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**Prepared By:  
Montana  
Constitutional  
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Memorandum on  
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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

MEMORANDUM ON CONSTITUTIONAL CONVENTION RULES

MONTANA (1889)	ARKANSAS (1969)
HAWAII (1968)	ILLINOIS (1970)
MARYLAND (1967)	NEW JERSEY (1947)
NEW MEXICO (1969)	NEW YORK (1967)
PENNSYLVANIA (1967)	

CONSTITUTIONAL CONVENTION MEMORANDUM NO. 1

PREPARED BY

MONTANA CONSTITUTIONAL CONVENTION COMMISSION





## PREFACE

The delegates to the 1971-72 Montana Constitutional Convention will need historical, legal and comparative information about the Montana Constitution. Recognizing this need, the 1971 Legislative Assembly created the Constitutional Convention Commission and directed it to assemble and prepare essential information for the Convention.

To fulfill this responsibility, the Constitutional Convention Commission is preparing a series of research reports under the general title of Constitutional Convention Studies. In addition to the series of research reports, the Commission authorized the publication of Research Memorandums on topics that do not warrant the status of official Commission reports.

This memorandum, a collection of rules of recent constitutional conventions and the rules of the 1889 Montana Constitutional Convention, was prepared under the supervision of the Commission's Convention Arrangements Committee consisting of William Sternhagen, Chairman; Clyde Hawks, Leonard Schulz and Charles Bovey.

The report contains the rules of constitutional conventions in Hawaii (1968), Maryland (1967), New Mexico (1969), Arkansas (1969), Illinois (1970), New York (1967), New Jersey (1947), and Pennsylvania (1967), in addition to the 1889 Montana Constitutional Convention Rules and the Rules of the 1971 Montana Legislative Assembly.

Section 10 of the Enabling Act for the Constitutional Convention provides that the Convention shall adopt rules of procedure. Section 13(3) provides that until the Convention has adopted such rules, Mason's Manual of Legislative Procedure will govern the Convention procedure.

By reviewing rules set forth in this report, delegates can prepare for a discussion on rules at the November organizational meeting of the Convention.

This report is respectfully submitted to the people of Montana and their delegates to the 1971-1972 Constitutional Convention.

ALEXANDER BLEWETT

CHAIRMAN

*The convention shall determine the rules  
of its procedure . . .*

Constitutional Convention Enabling Act  
Section 10

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CHAPTER I

MONTANA CONSTITUTIONAL CONVENTION

1889

CONVENTION RULES

RULES  
of the  
CONSTITUTIONAL CONVENTION  
of the  
TERRITORY OF MONTANA

No. 1. President - The President shall take the chair at the time to which the convention stands adjourned, and the convention shall then be called to order, the roll called, and the names of absentees shall be entered upon the journal of the convention.

In case the President is absent, or fails from any cause to take the chair, the convention shall appoint a president pro tem.

No. 2. Quorum - Upon the appearance of a quorum, which shall consist of a majority of the whole number of members, the journal of the preceding day shall be read by the clerk, and any mistakes therein may be corrected by the convention.

No. 3. Order - The President shall preserve order and decorum, and shall decide questions of order subject to an appeal to the convention.

No. 4. President Shall Vote - The President shall vote on all questions taken by yeas and nays, and in all elections and divisions called for by any member. And in case of a tie vote, the proposition pending shall be lost.

No. 5. Members Shall Remain Seated - When the convention adjourns, the members shall keep their seats until the President announces the adjournment.

No. 6. Proper Decorum - Every member, previous to speaking, shall rise from his seat and respectfully address himself to the President.

No. 7. Two or More - When two or more members rise at once, the President shall designate the member who is first to speak, but in all cases the member who shall rise first and address the chair shall speak first.

No. 8. Not to Speak More than Twice - No member shall speak more than twice on the same subject without leave of the convention, nor more than once until every member choosing to speak on the question pending shall have spoken.

No. 9. Motions to be Seconded - No motion shall be debated or put, unless the same shall be seconded. It shall be stated by the President, and any such motion shall be reduced to writing, if the President, or any member, shall desire it.

No. 10. Motions in Possession of the Convention - After any motion shall be stated by the President it shall be in possession of the convention, but may be withdrawn at any time before amendment or decision; but all motions, resolutions or amendments shall be entered upon the journal whether they are rejected or adopted.

No. 11. Debate - When a question is under debate no motion shall be received, except: 1st, To adjourn; 2nd, To lay on the table; 3rd, For the previous question; 4th, To postpone to a day certain; 5th, To commit to a standing committee; 6th, To commit to a select committee; 7th, To amend; 8th, To postpone indefinitely; and these several motions shall have precedence in the order in which they stand arranged.

No. 12. Adjournment - A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay on the table, shall be received without debate.

No. 13. Previous Question - The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the convention to a direct vote upon the amendments reported by a committee, if any, upon pending amendments, and then upon the main question.

On a motion for the previous question, and prior to the vote being taken, one call of the convention shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

No. 14. Same - When, on taking the previous question, the convention shall decide that the main question shall not now be put, the main question shall remain as the question before the convention, in the same stage of proceedings as before the previous question was made.

No. 15. Incidental Questions - All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the convention shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise without debate.

No. 16. Petitions - Petitions, memorials and other papers addressed to the convention, shall be presented by the President, or by a member in his place.

No. 17. Voting - Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the convention shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18. When the Question is Being Put - When the President is putting the question, no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

No. 19. Several Points - If the question in debate contains several points, any member may have the same divided.

No. 20. Members Called to Order - A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat, until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise, and ask the chair to put his motion to the convention, whose duty it shall be to immediately comply; and the question shall be: "Shall the decision of the chair be sustained?"

No. 21. Title and Numbering of Propositions and Resolutions - Propositions and resolutions proposing matter, to be incorporated in the constitution, shall be prefaced with the title, briefly indicating the subject to which they refer. They shall be in writing, on legal cap paper, or printed, and shall be numbered by the Clerk, in the order in which they are introduced.

No. 22. Resolutions Limited to one Subject, Reading and Reference of Same - Propositions and resolutions mentioned in the last foregoing rule shall embrace but one subject. They shall be read once when introduced, and then referred without debate to an appropriate committee.

No. 23. General File - All propositions and resolutions embracing matter proposed to be incorporated in the Constitution, reported by a standing or special committee, shall be read when reported, and if reported favorably such proposition or resolution shall be ordered printed, otherwise the printing thereof shall be within the discretion of the Convention, and thereupon the same shall



be placed on a general file to be kept by the clerk in the order in which they are reported. They shall be taken from the file and acted upon in the order in which they are placed thereon, unless otherwise ordered by the Convention; Provided, that engrossed propositions and resolutions shall be placed at the head of the file in the order in which they are received. One hundred copies of the file for each day shall be printed.

No. 24. All propositions and resolutions embracing matters proposed to be incorporated in the Constitution, the printing of which is provided for in subdivision 23, and all other printing necessary for the use of the Convention, shall be done under the direction and control of the Committee on Printing; but in no case shall the original resolution or proposition proposed to be incorporated in the Constitution be placed in the hands of the printer; but a true copy thereof shall be made under the direction of the Printing Committee and forthwith by the committee delivered to the printer with instructions to print a sufficient number of copies thereof, not exceeding 150, and return the same without delay.

No. 25. Committees Not to Sit During Session - No committee shall sit during the session of the convention without leave.

No. 26. Committee of the Whole - In forming a committee of the whole convention the President shall appoint a member to preside. Propositions or resolutions relating to the Constitution shall be submitted to a committee of the whole convention, and shall be read and considered in committee of the whole, by sections. All amendments shall be noted and reported to the convention by the chairman. After report the proposition or resolution shall again be subject to amendment before the final vote shall be taken.

No. 27. The rules of the convention shall be observed in committee of the whole, so far as they may be applicable, except for limiting the time for speaking, and except that the ayes and noes shall not be taken, and that the previous question shall not be moved.

No. 28. A motion that the committee rise shall always be in order, and shall be decided without debate.

No. 29. To be read at length and ayes and noes entered - Upon the final passage of any resolution or proposition proposed to be incorporated in the Constitution the same shall be read at length, and the vote thereon shall be taken by ayes and noes and entered in the journal.

No. 30. Convention. Parliamentary Practice - The rules of parliamentary practice, embraced in Jefferson's Manual, shall govern the convention in all cases where they are applicable and in which they are not inconsistent with the standing rules and orders of the convention.

No. 31. Convention. Suspend, Alter or Amend - No rule of the convention shall be suspended, altered or amended, without the concurrence of two-thirds of the members present.

No. 32. The Reading of Papers - When the reading of a paper is called for, except petitions and memorials, and the same is objected to by any member, it shall be determined by the convention without debate.

No. 33. Papers to be left with Secretary by Members Absent - Every member before availing himself of a leave of absence, shall deposit with the Chief Clerk all papers belonging to the convention.

No. 34. Extra Pay - No increase of pay, nor any extra pay, shall be allowed to any officer or attache of the convention, by resolution or otherwise, except by unanimous consent.

No. 35. Employment of Committee Clerks - No committee shall be permitted to employ a clerk at public expense without at first obtaining leave of the Convention for that purpose.

No. 36. Order of Business -

1. Roll call.
2. Prayer by the chaplain.
3. Reading and approval of the journal.
4. Reading and presentation of petitions and memorials, under which head shall include remonstrances, communications from individuals and public bodies.
5. Communications from Territorial officers--under which head shall be embraced also, communications from public officers and corporations, in response to calls for information.
6. Reports of Standing Committees, in the order in which they stand in the rules.
7. Reports of Select Committees.
8. Introduction of Resolutions and Propositions relating to the Constitution.
9. Unfinished Business
10. Special Orders.
11. General Orders.
12. Miscellaneous Motions and Resolutions.

No. 37. Reference of resolutions when Committees must report - When a motion is made to refer any subject, and different committees should be proposed, the question shall be taken in the following order:

1. The committee of the whole convention.
2. The standing committee.
3. A select committee.

Every committee of the convention to whom a resolution or proposition has been referred, shall report the same to the convention within three days from the time in which it is received by the chairman of the committee, unless further time to report is granted. Every proposition or resolution shall be referred to the appropriate standing committee, as indicated by its name herein.

No. 38. Motion or Proposition Different: No Amendment - No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

No. 39. Time of Meeting - The hour of the daily meeting of the convention shall be 10 o'clock in the morning, until the convention directs otherwise.

No. 40. Duties of Officers at the Close of the Session - The Chief Clerk and Assistant Chief Clerk at the close of the session of the convention, must deliver to the secretary of the Territory, duly marked, labeled and arranged, all propositions, resolutions, petitions, memorials, and other papers belonging to the convention, and also all books belonging to the same.

No. 41. Substitutes - A substitute shall be deemed an amendment, and treated in all respects as such.

No. 42. Reconsideration - When a motion has been made and carried or lost it shall be in order for any member of the majority on the same or succeeding day to move for the reconsideration thereof, and such motion shall take precedence of all other questions except a motion to fix a day to which the convention shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the convention, and thereafter any member may call it up for consideration.

No. 43. Standing Committees - The standing committees of the convention shall be as follows:

1. On preamble and bill of rights, to consist of five members.
2. Rights of suffrage and qualification to office, to consist of five members.
3. On legislative departments, to consist of nine members.
4. On the executive departments, to consist of seven members.
5. On judiciary and judicial departments, including pardoning power, to consist of fifteen members.
6. On military affairs, to consist of five members.
7. On the finances of the State, public debt, the indebtedness of counties and municipalities, revenues, expenditures and taxation, and the restrictions to be placed on the powers of the Legislature in respect thereto, to consist of eleven members.
8. Education, to consist of seven members.
9. State institutions and public buildings, to consist of seven members.
10. On city, county, and town organizations, to consist of seven members.
11. Apportionment and representation, to consist of eleven members.
12. Corporations (other than municipal) to consist of seven members.
13. Miscellaneous subjects and future amendments, to consist of five members.
14. On schedule, to consist of five members.
15. On mining, water, and water rights, to consist of nine members.
16. Agriculture, manufactures, commerce, and immigration, to consist of nine members.
17. Reporting and printing and mileage and contingent expenses, to consist of five members.
18. Privileges and elections, to consist of five members.
19. Engrossment and enrollment, to consist of five members.
20. Boundaries, public lands and homestead exemptions, to consist of five members.
21. Revision, phraseology and adjustment, to consist of five members.
22. On ordinance, to consist of seven members.
23. On labor, to consist of seven members.

CHAPTER II

ARKANSAS CONSTITUTIONAL CONVENTION

1969

CONVENTION RULES

OFFICIAL RULES  
of the  
CONSTITUTIONAL CONVENTION

of the  
STATE OF ARKANSAS

1969

CHAPTER I

GENERAL PROVISIONS

Rule 1. Quorum and Majority. A majority of the delegates elected to the Convention shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and may compel the attendance of absent delegates by any means adopted by a majority of those present, including arrest by the sergeant at arms or his duly designated deputy.

There being a quorum, a majority of those delegates voting shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative votes of a greater number shall be required by these rules or by law.

Rule 2. Admission to Floor. No person, other than a Convention delegate, an officer, employee or news correspondent accredited by the President shall be admitted on the floor of the Convention unless invited by the President or by vote of the delegates. The words "floor of the Convention" mean the space of the main floor of the Convention, excluding the space designated for visitors and for the press.

CHAPTER II

OFFICERS, EMPLOYEES, AND DUTIES

Rule 3. Officers of the Convention. The officers of this Convention shall be a President, who shall be chairman of the Convention, and four vice-presidents, each of which vice-presidents shall be from a different Congressional District. The President and vice-presidents shall be delegates to the Convention and elected by the majority vote of the entire Convention.

Rule 4. Duties of Presiding Officer. The President shall take the Chair each day at the hour to which the Convention shall have adjourned or recessed. He shall call the Convention to order and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules. The President shall preserve order and decorum. He may speak to points of order and, subject to an appeal to the Convention, shall decide questions of order. When two or more delegates seek recognition at the same time for purposes of debate, the President shall recognize the delegate who is to speak first.

Rule 5. Press Representatives. The President shall assign accredited news correspondents press facilities in the Convention chamber. News correspondents using cameras, tape recorders and similar reporting devices shall conduct themselves so as not to interfere with the orderly course of the proceedings of the session.

Rule 6. Naming of Chairman of the Committee of the Whole. When the Convention shall have decided to go into the Committee of the Whole, the vice-presidents in the order of their precedence shall preside therein, or if none be present, the President shall name a chairman of the Committee of the Whole.

Rule 7. Voting. The President may vote in all elections, on all divisions called for by any delegate and on all questions taken by yeas and nays, except on appeals from his decisions.

Rule 8. Powers and Duties of Vice-Presidents. In the absence of the President or his temporary inability to preside, or at his request, the vice-presidents in order of precedence shall exercise the powers and perform the duties of the President, and shall preside over the Convention. The order of precedence among the vice-presidents shall be for one week at a time in the numerical order of Congressional Districts successively through the life of the Convention.

Rule 9. Secretary. The secretary shall be the director of the Convention staff, including all employees of the Convention, except as otherwise ordered by the Convention. In this capacity, he shall supervise the work of all staff members.

Rule 10. Vacancies in Office. In the event of a vacancy in any office in the Convention, the Convention shall elect a successor in the same manner as the office was originally filled.



Rule 11. Roll Call. The secretary shall call the roll at the opening of each session of the Convention and announce whether or not a quorum is present. He shall announce the names of the delegates absent with leave of the Convention and the names of delegates absent without leave, and enter the names of all absentees upon the Journal. Leave of the Convention may be obtained by application to the President or Secretary or their designated representative. If a voting machine is provided, the machine shall be used whenever a roll call or a vote by yeas and nays is directed by or in accordance with these rules.

Rule 12. Invocation. The secretary shall arrange for an invocation at the opening of each session of the Convention.

Rule 13. Journal and Transcript. The secretary shall keep a Journal of the proceedings of the Convention in conformity with the rules, supervise the daily publication thereof and make such corrections as may be necessary. The Journal shall contain all formal actions of the Convention, including the introduction of all proposals, motions and resolutions, and the actions of the Convention thereon. The secretary shall furnish each delegate a copy of the Journal of the previous day. A Convention reporter shall keep a verbatim record of Convention proceedings and shall, within the time prescribed in his appointment by the Convention, provide a verbatim transcript of all proceedings of the sessions of the Convention and of the Committee of the Whole.

Rule 14. Calendar of Business. The secretary, under the direction of the Rules Committee, shall maintain a calendar of the business of the Convention and he shall furnish each delegate daily with a copy of the calendar for that day and a list of committee meetings scheduled for the following day.

Rule 15. Delegate Proposals and Committee Proposals. The secretary shall attend to the reproduction of all delegate proposals, committee proposals, resolutions and documents as ordered by the Convention. The secretary shall give a number to each delegate proposal when introduced, and the numbers shall be in numerical order. When proposals are reported favorably from committees, they shall be called "Committee Proposals," and shall be numbered in numerical order. The secretary shall cause to be placed at the head of the committee proposal the name of the committee that reported the same and the character and number of any report of the committee respecting the proposal. The secretary shall be responsible to the Convention for the care and preservation of all delegate and committee proposals. Committee proposals shall be kept on file in numerical order, unless otherwise ordered by the Convention.



Rule 16. Responsibility for Convention Hall. The secretary shall exercise supervisory care and control of the hall of the Convention and all Convention rooms and equipment. The secretary, subject to the supervision of the Administrative Committee, shall purchase or rent all necessary equipment, supplies and postage, and arrange for postal, telephone and telegraph service.

Rule 17. Acting Secretary. In case of the temporary inability of the secretary, from sickness or other cause, to perform the duties of his office, the Administrative Committee shall designate another employee to act as secretary until the secretary is able to resume his duties. The secretary may at any time designate any employee of the Convention to perform any of the duties of the secretary.

Rule 18. Sergeant at Arms. The sergeant at arms shall be designated by the secretary. He shall be the chief police officer of the Convention.

Rule 19. Appointment of Staff Members. The Administrative Committee shall designate staff and employee positions and job descriptions, establish salary scales and provide for the appointment of employees.

### CHAPTER III

#### DELEGATES

Rule 20. Conduct in Debate. When any delegate is about to speak in debate or present any matter to the Convention, he shall rise and address himself to "Mr. President;" he shall not speak until recognized and when recognized, he shall confine himself to the question under debate, and avoid personalities.

Rule 21. Delegates Called to Order. If any delegate in speaking transgresses the rules of the Convention, the President shall call him to order; in which case that delegate shall immediately sit down and shall not rise unless to explain or proceed in order.

Rule 22. Times Delegates May Speak. No delegate may speak more than once on the same question without leave of the President or of a majority of those present and voting, unless he be the mover of the matter pending or chairman of the committee that reported it; in which case he shall be privileged to speak twice.

Rule 23. Conduct on the Floor. While the President is putting any question, or while the roll is being called or taken by the secretary, no delegate shall walk out; nor shall any delegate engage in discourteous conduct at any time.

Rule 24. Contest of Elections. No protest or petition contesting the election of any delegate shall be received or considered unless filed within ten days after the adoption of this rule.

Rule 25. Vacancies. When a delegate shall fail to answer roll call at opening sessions for fifteen consecutive sessions, the position may be declared vacant by the Convention and the vacancy filled as provided in Section 3 of Act 42 of the First Extraordinary Session of the 65th General Assembly of Arkansas, 1968. The person so appointed shall serve for the remainder of the Convention, or until such time as the originally elected delegate shall appear before the Convention and be reinstated by the Convention.

#### CHAPTER IV

#### COMMITTEES

Rule 26. Establishment. The Convention shall have the following committees:

##### Substantive Committees

1. Declaration of Rights and Preamble.
2. Executive Branch.
3. Legislative Branch.
4. Judicial Branch.
5. General Provisions.
6. County Government.
7. Municipal Government.
8. Finance and Taxation.
9. Suffrage, Elections, Initiative and Referendum.
10. Education.
11. Schedule and Transitional Provisions.

##### Procedural Committees

1. Administrative. 12 members.
2. Rules and Resolutions.
3. Public Information.
4. Style and Drafting. 5 members.

Members of substantive committees may also be members of procedural committees.

Rule 27. Meetings. A committee shall meet at the call of the committee chairman, or upon written request of a majority of the members, or at the direction of the Convention.

A recorded roll call vote on any matter before a committee shall be taken on demand by any member of the committee.

Each committee shall maintain an action journal of all its proceedings and a calendar, both of which shall be available to news media and interested members of the public.

Rule 28. Administrative Committees. The Administrative Committee shall be composed of the President, four vice-presidents and two delegates from each of the four Congressional Districts of the state, who have been elected by a majority of the delegates whose districts, or a greater part thereof, are in such Congressional District, except that if the President and a vice-president be from the same district, only one additional member shall be elected to the Administrative Committee from such district.

The President of the Convention shall be chairman of the Administrative Committee. The Administrative Committee shall have such duties as shall be assigned by the temporary and/or permanent rules adopted by this Convention. This committee shall have the responsibility of appointment of all personnel of the Convention including a secretary, who shall be subject to confirmation by the Convention.

The President and vice-presidents shall be nominated and elected by the Convention, and after said election, the Convention shall recess for the purpose of caucus by Congressional Districts for the election of members to the Administrative Committee.

Rule 29. Additional Committees. Additional committees of the Convention and their functions and number of members may be provided for by resolution of the Convention adopted by a majority of the delegates elected. Such additional committees may be created to consider matters not within the province of the regular standing committees, such as the submission of parts of a proposed constitution separately, or in the form of alternatives, to the voters of the state.

Rule 30. Designation of Committee Members. The President and the Administrative Committee shall nominate, subject to Convention approval, the membership of all committees except where the Convention shall otherwise order. The designation of delegates to committees shall be subject to the control of the Convention, and any delegate may ask the Convention for a change in his or any other delegate's committee assignments.

Rule 31. Chairmen of Committees. The first named member of any committee shall be the chairman, and the second named member shall be vice-chairman. In case of a vacancy or absence of the chairman and vice-chairman, the members of the committee who are present shall appoint a chairman to act until the chairman or vice-chairman shall return.

Rule 32. Sitting of Committees During Sessions of the Convention. No committee shall sit during the sessions of the Convention without special leave of the Convention by a majority vote of those voting.

Rule 33. Power to Incur Expenses. No committee or delegate shall incur any expenses chargeable to the Convention unless authorized to do so by resolution of the Convention.

Rule 34. Subcommittees of Committees. A committee, by a majority vote of its number, may provide for the appointment by the committee chairman of subcommittees composed of delegates named to the committee. Reports of subcommittees shall be considered by the entire committee before recommending any action thereon by the Convention.

Rule 35. Notice of Reports. All committees before reporting on any proposal shall notify delegates who have introduced proposals on the same subject matter when and where they may meet with that committee to explain such proposals before the committee reports.

Rule 36. Reports of Committees. A majority of the members appointed to a committee shall be necessary to report a proposal out of committee. The report or reports of a minority of any committee shall be received in the same manner as the majority report, and treated as an amendment or substitute offered to or for the report of the committee if offered as such on the floor. One or more members of a committee may make a minority report.

Rule 37. Powers of Committees. Committees may hold public hearings at any place in the state. A committee may grant the powers here authorized to any subcommittee. A committee may direct that a verbatim record be kept of any portion of its proceedings.

Rule 38. Consideration of Proposals Without Committee Recommendation. After one day's notice a majority of the delegates voting may by motion require a committee to report immediately any proposal without recommendation.

## CHAPTER V

### COMMITTEE OF THE WHOLE

Rule 39. Consideration of Committee Reports. When the Convention deems it necessary, it may by a majority vote of those voting resolve itself into Committee of the Whole to consider committee reports, or any other Convention business, and no business shall be in order until the whole of the reports or other Convention business is considered or

passed over, or the committee rise. Unless a particular proposal is ordered up, the Committee of the Whole shall consider, act upon or pass over all matters referred to it by the Convention in the order of their reference.

Rule 40. Readings: Debate: Amendment. In the Committee of the Whole proposals shall be read through, debated and acted upon by clauses. All amendments shall be in writing as provided in Rule 51, and shall be reported to the Convention by the chairman.

Rule 41. Motion that Committee of the Whole Rise. A motion that the Committee of the Whole rise shall always be in order unless a member of the committee is speaking or a vote is being taken, and shall be decided without debate by a majority vote of those present and voting.

Rule 42. Reconsideration. A motion to reconsider shall be in order in the Committee of the Whole and may be adopted by a majority vote of those present and voting, at any time before the committee shall vote to rise.

Rule 43. Application of Convention Rules. The rules of the Convention shall be observed in the Committee of the Whole, so far as they may be applicable, except that it cannot adjourn the Convention; a majority of those present and voting shall govern its action; it cannot refer matters to any other committee, except the Committee on Style and Drafting; and a motion to postpone indefinitely or for a call of the Convention shall not be in order. A delegate may speak more than once in the Committee of the Whole. A Journal of the proceedings in the Committee of the Whole shall be kept as in Convention.

## CHAPTER VI

### TRANSACTION OF BUSINESS

Rule 44. Order of Business. The order of business of the Convention shall be as follows:

1. Call to order
2. Invocation
3. Roll call
4. Reading and approval of Journal
5. Reports of standing committees
6. Reports of special committees
7. Communications from State Officers
8. Introduction and first reading and reference of proposals
9. Second reading of proposals
10. Third reading of proposals
11. Motions and resolutions

12. Unfinished business
13. Special orders of the day
14. General orders of the day

Rule 45. Stating Motions and Resolutions. When a motion is made, it shall be stated by the President; or, if in writing, it shall be handed to and read aloud by the secretary before being debated.

Every resolution, other than a proposal, shall be read by title, and shall be referred to the appropriate committee. If the rules are suspended to permit immediate consideration of a resolution, the resolution shall be read in full before it is considered.

Rule 46. Reduced to Writing. Every motion shall be reduced to writing if the President or a majority of those voting shall request it, and all motions, oral or written, shall be entered upon the Journal, together with the name of the delegate making it, unless withdrawn by the maker or ruled out of order by the President.

Rule 47. Withdrawal of Motions. After a motion has been stated by the President or read by the secretary, it shall be deemed to be in the possession of the Convention, but may be withdrawn by the maker at any time before being amended or put to a vote.

Rule 48. Precedence of Motions. When a question is under debate, no motion shall be received but--

1. To fix the time to which to adjourn.
2. To adjourn.
3. To take a recess.
4. To reconsider.
5. To lay on the table.
6. For a quorum call of the Convention.
7. To limit debate.
8. For the previous question.
9. To postpone to a day certain.
10. To commit.
11. To amend.
12. To postpone indefinitely.

Such motions shall take precedence in the order in which they are here listed, and shall be decided by a majority vote of those voting, except the motion to postpone indefinitely, which shall be passed only by a majority vote of all the delegates elected. When a recess is taken while any question is pending, consideration of such question shall be resumed upon reassembling unless otherwise determined. Whenever a proposal is being considered at any stage of procedure and a motion is made to postpone indefinitely or to commit, amendments to the proposal shall first be in order before taking a vote on any such motion.



Rule 49. Motions Not Debatable. A motion to adjourn shall always be in order except when a motion to fix the time to which to adjourn is pending. A motion to adjourn, a motion to lay on the table and all matters relating to questions of order shall be decided without debate. A motion for a recess, pending the consideration of other business, shall not be debatable.

Rule 50. Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment or substitute.

Rule 51. Amendments to be Printed. No amendment to any delegate or committee proposal shall be considered unless it is submitted in writing and a copy thereof delivered to the floor desk of each delegate prior to the time the amendment is offered.

Rule 52. Division of Question. Any delegate may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct that when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall be deemed indivisible.

Rule 53. Motions for the Previous Question. The method of ordering the previous question shall be as follows: Any delegate may move the previous question and unless otherwise stated the motion shall apply to the pending question only. This being seconded by at least five delegates, the presiding officer shall put the question, "Shall the main question now be put?" This shall be ordered only by two-thirds (2/3) of the delegates voting. After the seconding of the motion for the previous question and prior to ordering the same, a Call of the Convention may be moved and ordered; but after ordering the previous question nothing shall be in order prior to the decision of the pending question, except demands for the yeas and nays, points of order, appeals from the decision of the Chair, and a motion to adjourn or to take a recess, all of which shall be decided without debate. The effect of the previous question shall be to put an end to all debate and bring the Convention to a direct vote upon the pending question. When a motion to reconsider is taken under the previous question and is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the Convention shall refuse to order the previous question, the consideration on the subject shall be resumed as though no motion for the previous question had been made.

Rule 54. Motion for Reconsideration. Any delegate may move for a reconsideration of any question at the same or next succeeding session of the Convention; or the Committee on Style and Drafting may move for reconsideration on any subsequent day if notice of its intention to do so is given in writing to the secretary, who shall enter this notice in the Journal.

Rule 55. Sine Die Adjournment. A motion to adjourn the Convention sine die shall not be voted upon until at least forty-eight hours after notice is given to the delegates; and to pass this motion requires an affirmative vote of a majority of all the delegates to the Convention.

## CHAPTER VII

### PROPOSALS

Rule 56. Introduction. All matters intended to become a part of any revised constitution or constitutional amendment shall be introduced by a delegate or delegates in the form of a proposal and endorsed by the delegate or delegates introducing them, or shall originate as committee proposals. All proposals shall be introduced by delivery to the secretary on a form prescribed by him. Proposals shall be reproduced and distributed under the direction of the secretary.

Rule 57. Order of Consideration. The regular order to be taken by proposals introduced in the Convention shall be as follows:

1. Introduction, first reading by title, reference to a committee or committees by the President, and reproduction and distribution unless otherwise ordered by a majority of the delegates voting.
2. Report of committee and placing on the calendar of the Convention under General Order of the Day.
3. Consideration by the Convention in order of report from committee.
4. Reference to the Committee on Style and Drafting.
5. Report of Committee on Style and Drafting to the Convention.
6. Second reading, vote on passage.
7. Re-reference to Committee on Style and Drafting for incorporation in final draft.



8. Report by Committee on Style and Drafting of any complete revision of, or proposed amendment to the Constitution.

9. Consideration by the Convention on third reading and passage of any complete revision by article and as a whole, or in the case of any amendment by sections as a whole.

The Convention at any time may refer any proposal or other matter to any committee including Committee of the Whole.

Rule 58. Majority Vote on Proposals. On the passage on third reading of every proposal, section, article and any complete revision of or amendment to the Constitution, the vote shall be taken by yeas and nays, and entered on the Journal, and no proposal, section, article or any such amendment or complete revision shall be declared passed unless a majority of all the delegates elected to the Convention shall have voted in favor of the passage of the same. No proposal shall be finally voted upon by the Convention except after the expiration of 72 hours from its introduction.

Rule 59. Proposals Introduced During Final Sessions. All delegate proposals introduced more than 90 days after the Convention first convenes in April, 1969, shall be reported back to the Convention before it adjourns sine die by the substantive committee assigned primary responsibility for that proposal and this report shall be made within 10 days after the proposal is referred to that committee.

Rule 60. Unfinished Special Orders. Any subject matter made the special order for a particular day, not having been reached on that day, shall come up for consideration under the order of "Unfinished Business" at the next succeeding session of the Convention.

Rule 61. Limitation on Debate and Control of Dilatory Procedure. The Convention may limit the time of debate on any subject matter before the Convention, designate a method of allocating the period allowed for debate among delegates and take appropriate action to control dilatory procedure.

## CHAPTER VIII

### MISCELLANEOUS

Rule 62. Presentation and Endorsement of Petitions. Petitions received by any officer of the Convention or by any delegate may be initialed by the recipient, and handed

directly to the chairman or clerk of the committee which has the subject matter of the petition under consideration. The chairman of the committee, on behalf of the Convention, shall give appropriate notice of the receipt of the petition.

Rule 63. Putting the Question. The President shall put all questions in this form: "As many as are in favor of (as the question may be), say 'aye'" and after the affirmative vote is expressed, "As many as are opposed, say 'no'." If the President is in doubt as to the vote, he may order a division of the Convention.

A division of the Convention may be had on the demand of five delegates, or a roll call of the Convention may be demanded by a vote of one-fifth (1/5) of the delegates voting on any pending question. When a division of the Convention is ordered, a rising vote or a show of hands may be taken or the voting machine may be used, if provided, and the President shall declare the result. On a tie vote the question shall be deemed lost.

Rule 64. Amendment or Suspension of Rules. The rules of the Convention may be amended by a majority vote of the delegates elected, but no rules shall be amended unless such amendment is in writing, has been considered by the Committee on Rules and Resolutions and is in the possession of the Convention two days prior to its consideration. A rule may be suspended by a vote of two-thirds (2/3) of the delegates voting, provided that no less than 51 votes are case in favor of the suspension.

Rule 65. Form of Question on Appeals. On all appeals from decisions of the Chair, the question shall be "Shall the ruling of the Chair stand?" which question shall be decided by a majority vote of those voting.

Rule 66. Debate on Appeals. No delegate shall speak on the question of an appeal more than once without leave of the Convention by a majority vote of those voting.

Rule 67. Tabling Appeals. An appeal may be laid on the table but shall not carry with it the subject matter before the Convention at the time such appeal is taken.

Rule 68. Practice in Unprovided Cases. In all cases not provided by these rules, the authority shall be ROBERT'S RULES OF ORDER REVISED (75th Anniversary Edition, 1951).

Rule 69. Voting by the Electrical Roll Call System. When taking the yeas and nays on any question to be voted upon, the electrical roll call system may be used, and when so used shall have the same force and effect as a roll call taken as otherwise provided in these rules.

When the Convention is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the presiding officer shall announce: "The question is on the passage of (designating the matter to be voted upon). All in favor of such question shall vote 'yea,' all opposed shall vote 'nay'." The Convention will now proceed to vote."

When sufficient time has been allowed the delegates to vote, the presiding officer shall announce: "Have all voted?" And after a short pause shall say: "The secretary shall proceed to record the vote

The secretary shall immediately start the vote recording equipment, and when completely recorded, shall announce the result to the Convention. The secretary shall enter upon the Journal the result in the manner provided by the rules of the Convention.

Any delegate shall be privileged to vote or change his vote after the vote recording equipment has started to operate, by rising and announcing his vote before the result of the vote has been announced by the secretary.

No delegate shall cast a vote for another delegate, nor shall any person not a delegate cast a vote for a delegate. In addition to such penalties as may be prescribed by law, any delegate who shall vote for another delegate may be punished in such manner as the Convention may determine. If a person not a delegate shall vote or attempt to vote for any delegate, he shall be barred from the floor of the Convention for the remainder of the session and may be further punished in such manner as the Convention may deem proper, in addition to such punishment as may be prescribed by law.

Rule 70. Presence of Delegates. Any delegate, having answered roll call at the opening of any session, or having entered upon the floor of the Convention after roll call and made his presence known to the secretary, shall thereafter be deemed as present for that session for purposes of determining the right of compensation.







CHAPTER III

HAWAII CONSTITUTIONAL CONVENTION

1968

CONVENTION RULES





CONSTITUTIONAL CONVENTION OF HAWAII OF 1968

RULES

OFFICERS

RULE 1. The officers of the Convention shall be a President, five Vice-Presidents (one each from the Counties of Hawaii, Maui and Kauai and two from the City and County of Honolulu), a Secretary and an Assistant Secretary who shall be elected from the delegates by the vote of at least forty-two delegates and such election shall be by ballot.

EMPLOYEES

RULE 2. A Chief Clerk and an Assistant Clerk shall be elected by the vote of at least forty-two delegates and such election shall be by ballot.

All other employees shall be appointed by the President, subject to the approval of the Convention.

THE PRESIDENT AND VICE-PRESIDENT

RULE 3. The President shall take the chair each day at the hour to which the Convention shall have adjourned. He shall call the Convention to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

RULE 4. The President shall possess the powers and perform the duties herein prescribed, viz:

(a) He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When two or more members arise at the same time, he shall name the one entitled to the floor.

(b) He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.

(c) He shall appoint all committees, except where the Convention shall otherwise order.

(d) He may substitute any member to perform the duties of the chair while he is present, but for no longer period than that day, except by special consent of the Convention.

(e) When the Convention shall be ready to go into Committee of the Whole, he shall name a chairman to preside therein.

(f) When necessary or required, he shall, with the Secretary, certify all official acts and all vouchers for payment of expenditures of the Convention.

(g) He shall designate and assign to seats or authorize the designation and seating of the persons who shall act as reporters for the public press, television and radio within the Convention Hall.

(h) He shall be a member ex-officio without vote of the several committees to which he is not specifically appointed.

(i) He shall declare the vote and announce the result according to the fact on all questions and divisions.

(j) He shall not engage in any debate, or propose his opinion on any question, except the assigning of his reasons for his decision on appeal therefrom, without first calling some delegate to occupy the chair.

RULE 5. In the event of a vacancy in the office of President, by death, resignation or otherwise, the Convention shall, by the vote of at least forty-two delegates, elect a President to fill such vacancy.

In case of the temporary absence of the President, his duties shall devolve from day to day upon the Vice-President present in alphabetical rotation.

RULE 6. In the event of a vacancy in the office of a Vice-President by death, resignation or otherwise, the Convention shall, by the vote of at least forty-two delegates, elect a new Vice-President.

In the case of the temporary absence of all Vice-Presidents to discharge the duties of their offices, the Convention shall have the power to designate and appoint some other delegate to discharge the duties of the office during such temporary absence.

#### SECRETARY AND ASSISTANT SECRETARY

RULE 7. The Secretary shall keep a journal of the proceedings of the Convention and, under the direction of the President, shall prepare and place on the desk of the President each day a calendar of the business of the Convention, as provided by these rules.

RULE 8. The Secretary shall prepare for printing all proposals and other documents which are required to be printed under these rules under the direction of the Committee on Accounts and Printing and shall see to it that they are properly and correctly printed.

RULE 9. The Secretary shall number consecutively each proposal of subject matter to be incorporated into the Constitution when introduced. When a proposal is introduced by a Committee, the Secretary shall number such proposal consecutively in a separate series.

RULE 10. The Secretary shall preserve all proposals, reports of Committees and all other records, books, documents and papers of the Convention and after the adjournment of the Convention shall deliver them to the Archives Division, Department of Accounting and General Services, State of Hawaii, or shall make such other disposal of them as the Convention shall direct.

RULE 11. When necessary or required, the Secretary shall, with the President, certify all official acts and all vouchers for payment of expenditures of the Convention, and he shall perform such other duties as are required of him by these rules and as from time to time shall be required of him by the Convention.

RULE 12. One copy of the final draft of any proposal or committee report presented to or prepared by the Convention shall be delivered by the Secretary to the Archives of the State of Hawaii.

RULE 13. He may delegate his duties to the Assistant Secretary, and other than certification of official acts, documents and vouchers by the Secretary, he may also delegate his duties to the Chief Clerk.

In the event of a vacancy in the office of Secretary by death, resignation or otherwise, the Convention shall, by the vote of at least forty-two delegates, elect a new Secretary.

In the case of the temporary absence of the Secretary to discharge the duties of his office, the Assistant Secretary shall discharge the duties of the office during such temporary absence.

In the case of the temporary absence of the Secretary and Assistant Secretary to discharge the duties of the office, the Convention shall have the power to designate and appoint some other delegate to discharge the duties of the office during such temporary absence.

## QUORUM AND MAJORITY

RULE 14. The presence of at least forty-two delegates shall be necessary to constitute a quorum of the Convention but a lesser number may meet and adjourn the Convention from day to day when necessary and may require the attendance of absent members.

RULE 15. A quorum being present, a majority of delegates present shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative vote of a greater number shall be required by these rules.

## STANDING COMMITTEES

RULE 16. The Standing Committees of the Convention shall be appointed by the President unless the Convention shall otherwise order.

The person first named shall be the chairman, and the person next named shall be the Vice-Chairman, of the Committee.

RULE 17. The Standing Committees of the Convention and the number of members thereof, respectively, shall be as follows:

### General Standing Committees

1. Committee on Bill of Rights, Suffrage and Elections, Twenty-three members.
2. Committee on Legislative Powers and Functions, Twenty-three members.
3. Committee on Legislative Apportionment and Districting, Twenty-three members.
4. Committee on Executive, Twenty-three members.
5. Committee on Judiciary, Twenty-three members.
6. Committee on Taxation and Finance, Twenty-three members.
7. Committee on Local Government, Twenty-three members.
8. Committee on Public Health, Education and Welfare; Labor and Industry, Twenty-three members.
9. Committee on Agriculture, Conservation, Land and Hawaiian Homes, Twenty-three members.
10. Committee on Revision, Amendment and Other Provisions, Twenty-three members.

11. Committee on Style, Seventeen members.
12. Committee on Submission and Information, Sixteen members, and in addition, the Vice Presidents, Secretary, Assistant Secretary and the Chairman of the Standing Committees shall be members ex-officio.

Administrative Standing Committees

1. Committee on Accounts and Printing, Fifteen members.
2. Committee on Rules, Fifteen members.

RULE 18. Functions of Standing Committees:

(a) It shall be the duty of the Standing Committees to consider all matters which may be referred to them.

Each Standing Committee shall submit to the Convention a report or reports, in writing, setting forth the results of its deliberations and its recommendations on all matters referred to it, in the same number and form as prescribed in these rules for proposals.

(b) The Committee on Style shall examine and correct the proposals which are referred to it for the purpose of avoiding inaccuracies, repetitions and inconsistencies and shall arrange the same in the proper order in the Constitution and shall report thereon to the Convention.

The Committee shall have the authority to rephrase but shall have no authority to change the sense or purpose of any proposal referred to it.

Where a proposal referred to the Committee appears inconsistent or in conflict with a proposal already acted on favorably by the Convention at second reading, the Committee shall so notify the Convention and wait upon its instructions.

(c) The Committee on Submission and Information shall consider and report to the Convention the method and manner of submitting the Revised Constitution or proposed amendments to the Constitution to the people; shall prepare and present to the Convention for its approval the plan or method of informing the people of the changes in the Constitution or the proposed amendments to the Constitution; shall prepare and present to the Convention for its approval a report to the people outlining the results of the Convention's work, and shall make such other reports as may be required by law and by the instructions of the Convention.

(d) The Committee on Rules shall consider and report upon such changes in the rules of the Convention and changes in its organization as shall be referred to it by the Convention from time to time.

(e) The Committee on Accounts and Printing shall be in charge of the business affairs of the Convention and shall supervise all printing for the Convention.

(f) No public hearing shall be had by any Standing Committee except after reasonable notice is given to the Secretary, in writing, who shall give public notice thereof.

(g) All committee meetings shall be open to the public.

RULE 19. All resolutions for the printing of an extra number of documents shall be referred, as of course, to the Committee on Accounts and Printing for its report thereon before final action by the Convention.

RULE 20. All resolutions authorizing or contemplating the expenditure of money shall be referred, as of course, to the Committee on Accounts and Printing for its report thereon before final action by the Convention.

RULE 21. No Committee shall sit during the sessions of the Convention without special leave.

#### COMMITTEE OF THE WHOLE

RULE 22. The Convention may upon motion resolve itself into a Committee of the Whole for the consideration of any matter. In forming the Committee of the Whole, the President of the Convention shall appoint a chairman to preside.

RULE 23. Upon consideration of the report or proposal of any standing committee by the Committee of the Whole, consideration of all matters on the same subject shall be in order. All amendments made to proposals, reports, resolutions and other matters submitted to the Committee of the Whole shall be noted and reported.

RULE 24. The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable except that the Committee of the Whole cannot adjourn the Convention; no question may be laid on the table; the previous question shall not be ordered; and the motion to postpone indefinitely shall not be in order.

RULE 25. Forty-two delegates shall be a quorum for the Committee of the Whole to do business.

RULE 26. A motion for the rising of the Committee of the Whole shall always be in order unless a member of the Committee is speaking or a vote is being taken, and shall be decided without debate.

ORDER OF BUSINESS, MOTIONS,  
DECORUM AND DEBATE

RULE 27. At meetings of the Convention the order of business shall be as follows (except at times set apart for the consideration of special orders):

1. Calling Convention to order.
2. Invocation.
3. Determination of quorum.
4. Reading of journal.
5. Presentation of petitions, memorials and communications.
6. Reports of standing committees.
7. Reports of select committees.
8. Introduction and first readings of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Unfinished business.
12. Special orders of the day.
13. General orders of the day.

RULE 28. Consideration of the general orders of the day shall be in the following order:

1. Consideration by Committee of the Whole.
2. Reports of the Committee of the Whole.
3. Committee reports and proposals reported from committees.
4. Second Reading.
5. Action on reports of the Committee on Style, as to arrangement and phraseology only.
6. Third Reading and agreement.

If the matter is not considered in its order, it shall lose its precedence for the day, but shall appear on the calendar on the following day in its regular order. Any matter may be made a special order of business for any particular day or time by a majority vote of the delegates present.

RULE 29. Any subject matter having been made the special order for a particular day, and not having been reached on that day, shall be upon the order of "Unfinished Business" on the next succeeding Convention day.

RULE 30. Upon calls of the Convention, the names of the delegates shall be called alphabetically.

In case of the absence of delegates, the delegates present shall take such measures as they shall deem necessary to secure the presence of absentees.

RULE 31. After a question has been stated by the President, and the calling of the roll has begun, the President shall not recognize a delegate for any purpose whatever until the call is completed; but nothing in this rule shall abridge the right of any delegate to change or record his vote on any question previous to the announcement of the result.

RULE 32. The vote upon any question shall be taken by the ayes and noes and entered on the journal, on motion made and seconded before the question is put and upon the request of at least ten delegates.

A delegate may pass the first time his name is called by the clerk on any vote, but if he remains silent on the next call of his name, his vote shall be recorded as voting in the affirmative.

RULE 33. The rules of parliamentary practice comprised in Robert's Rules of Order, Revised, shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Convention.

RULE 34. Any rule of the Convention may be suspended by a vote of at least two-thirds of the delegates present or repealed or amended by a vote of at least forty-two delegates and any repeal or amendment offered shall lie on the table one day before being voted upon.

RULE 35. When a motion is made it shall be stated by the President, or being in writing, it shall be read aloud before being debated.

RULE 36. A motion may be withdrawn at any time before decision or amendment.

RULE 37. When a question is under consideration by the Convention only the following motions shall be received; which motions shall have precedence in the order stated, viz.



Motions to, or for:

1. Adjourn. )
2. Recess. ) Not amendable or
3. Call of the Convention. ) debatable except as
4. Lay on the table. ) hereinafter provided.
5. Previous question. )
6. Postpone indefinitely. Not amendable, but  
debatable.
7. Postpone to a certain time. Debatable and  
amendable.
8. Go into Committee of the Whole. Debatable and  
amendable.
9. Commit (or recommit) to Committee of the Whole.  
Debatable and amendable.
10. Commit (or recommit) to a Standing Committee.  
Debatable and amendable.
11. Commit (or recommit) to a Select Committee.  
Debatable and amendable.
12. Close debate at a specified time. Not debatable  
but amendable.
13. Amend. Debatable and amendable.

(Numbers 7 to 12, both inclusive, preclude debate  
on main question).

The motion to adjourn, to take a recess, and to adjourn  
for a longer period than one day, shall always be in order,  
and the last motion shall be amendable and debatable.

Calls for information, for reading a paper, for division  
of a divisible question, for division of the house, for the  
ayes and noes, and a motion for reconsideration shall always  
be in order, but shall not be amendable or debatable.

An appeal from the decision of the chair may be taken  
at any stage of the proceedings.

RULE 38. The previous question shall be put in this  
form, "Shall the main question be now put?" It shall be  
admitted when demanded by a two-third vote of the delegates  
present, and its effect shall be, if decided affirmatively  
to end debate and bring the Convention to a vote upon pending

amendments, if any, to the main question, and then upon the main question. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided whether on appeal or otherwise, without debate.

RULE 39. A motion to reconsider any vote must be made before the end of the second Convention day after the day on which the vote proposed to be reconsidered was taken, and by a delegate who voted in the majority and the same majority shall be required to adopt a motion to reconsider as was required to take the action to be reconsidered. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon either of the following motions:

To adjourn.

To lay on the table.

To take from the table; or

For the previous question.

RULE 40. Any delegate may call for the division of a question which is in its nature divisible. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall neither preclude amendment nor a motion to strike out and insert.

RULE 41. No delegate shall speak more than twice on one question, or longer than ten minutes the first, or longer than five minutes the second time, or more than once until other delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention; and the mover of the proposition shall have the right to close the debate, provided that the person in charge of a proposal on third reading and final agreement shall have the right, if he desires, to close the debate and he may announce such desire at any time before the taking of the vote on the question.

RULE 42. No delegate rising to speak shall proceed until he shall have addressed the President and been recognized by him as entitled to the floor.

RULE 43. While the President is putting a question or a count is being had no delegate shall speak or leave his place, and while a member is speaking no delegate shall engage in any private discourse or pass between him and the chair.

RULE 44. When a motion to adjourn, or for recess, shall be carried, no delegate or officer shall leave his place until the adjournment or recess shall be declared by the President.

RULE 45. A proposal may be recalled from a Committee by the affirmative vote of twenty-five delegates, provided that the Committee has reported on the subject matter of such proposal for passage on second reading.

RULE 46. Any delegate may at any time rise and speak to a question of personal privilege.

#### PROPOSALS, SUBMISSION AND INFORMATION

RULE 47. Each proposal shall receive three separate readings in the Convention previous to being agreed upon, but no proposal shall be read twice on the same day or be considered on third reading until after at least forty-eight hours notice of the day upon which it is to be so considered has been given by announcement made in open session.

All proposals may be read by their titles but on third reading all proposals shall be read throughout. No amendment shall be received to any proposal on its third reading, unless by unanimous consent of the delegates present.

All proposals shall, after the first reading, be printed for the use of the members. Printed copies of proposals shall be used on their second and third readings.

RULE 48. The regular order to be taken by proposals shall be as follows:

(a) Introduction, first reading, and printing of sufficient copies of each proposal.

(b) Reference to a General Standing Committee by the President.

(c) Report by Committee and printing of sufficient copies thereof.

Four Convention days after the printing of said report it shall be placed on the general orders.

(d) Second reading: Consideration by the Committee of the Whole and by the Convention and action on amendments offered by delegates.

(e) Reference to the Committee on Style for report within five Convention days.

(f) Report of the Committee on Style and printing of sufficient copies, if necessary.

(g) Action on report of Committee on Style: Consideration and action on amendments as to phraseology only; action on the report as amended and printing of sufficient copies, if necessary.

(h) Third Reading and agreement.

(i) Reference to the Committee on Style for arrangement of sections and article or articles and for form.

(j) Report of Committee on Style as to arrangement of sections and article or articles and printing of sufficient copies, if necessary.

RULE 49. Any subject matter to be incorporated in the Constitution shall be by proposal. A proposal shall be introduced by one or more delegates or by a Committee.

RULE 50. Each proposal shall be typewritten on white paper which is 8 1/2" wide and 11" long with one original copy and seven copies thereof, and shall be dated and signed by the introducer or by the Chairman of the Committee introducing it.

RULE 51. The caption of each proposal shall be

Constitutional Convention of Hawaii  
of 1968  
PROPOSAL

Introduced by \_\_\_\_\_  
(Name of delegate or  
Chairman of Committee)

RULE 52. Each proposal shall contain a short title stating concisely the general nature of its subject matter.

RULE 53. Each proposal shall be in the form of a resolution as follows:

"RESOLVED, that the following be agreed upon as  
(amending Article(s) \_\_\_\_\_ of)  
(adding a new Article to) the State Constitution.

RULE 54. Each proposal shall be delivered to the Secretary for introduction. The Secretary shall number and list all proposals as presented. At each session of the Convention the Secretary shall read the number and title of each proposal so delivered to him for introduction, which shall be taken as the first reading of the proposal and as the ordering thereof to a second reading, and the President shall thereupon refer it to a General Standing Committee.

RULE 55. The President shall refer each proposal introduced to the appropriate Committee. Where a proposal embraces subject matter which falls within the proper consideration of several Committees, the President, where

practicable, shall divide the proposal and refer the parts to the appropriate Committees; but if it is not subject to such division, the President shall refer it to an appropriate Committee with instructions to consult with other Committees on related matters.

Any proposal which does not comply with the provisions of these rules as to form shall be referred to the appropriate Committee as a petition.

RULE 56. A copy of each proposal introduced shall be delivered by the Secretary to the Committee on Accounts and Printing. The original shall be retained by the Secretary and one copy shall be delivered to the chairman of the Committee to which the proposal has been referred.

Each successive reprint of a proposal differing from the previous print or reprint of the same proposal, which is presented to the Convention for consideration, shall bear a consecutive redraft number on the top of the first or title page thereof, as follows:

"Redraft No. 1," or "RD. 1"

"Redraft No. 2," or "RD. 2" etc.

RULE 57. The Convention may set a date after which no proposal shall be introduced, except by a Committee.

RULE 58. Each General Standing Committee may originate and report without specific reference, any Committee proposal, the subject matter of which properly falls within the consideration of such Committee under these rules.

RULE 59. Each Committee Report recommending any matter for incorporation in the Constitution shall be accompanied by a Committee proposal containing a complete article or other appropriate subdivision or group of articles or subdivisions of the Constitution. Such Committee proposal need not be referred to the Committee introducing the same.

RULE 60. Each amendment offered to a proposal shall be in writing and delivered to the Secretary and shall be entered on the journal. A copy of such amendment shall be delivered by the Secretary to the Committee on Accounts and Printing. The original shall be retained by the Secretary. One copy shall be delivered to the Chairman of the Committee to which the proposal concerned has been referred.

RULE 61. Any proposal which has passed its second reading shall be referred to the Committee on Style for consideration as provided by these rules and when reported by said Committee shall be subject to consideration and amendment as to arrangement and phraseology only, and, if

any such amendment be adopted, shall be again referred to the Committee on Style for similar consideration and report thereof, and if said Committee's report shall be adopted, it shall be ordered to be printed and to third reading.

RULE 62. Proposals which have passed two readings shall be prepared by the Secretary in proper form for printing for third reading and when the Secretary receives from the Committee on Accounts and Printing any proposal ordered to a third reading and the same shall be found correct, he shall affix his signature to each page of the copy to be used as the official copy.

RULE 63. On the question of the agreement upon any proposal on third reading, the vote shall be taken by ayes and noes and entered on the journal, and no proposal shall be declared adopted unless at least forty-two delegates to the Convention shall have voted in favor of the adoption of the same.

RULE 64. After the Revised Constitution or proposed amendments to the Constitution have been framed and before final agreement thereon, the Convention shall refer the same to the Committee on Style for proper form and, if necessary, for arrangement in proper order in the Constitution and report thereon, and, upon receipt of the report, the Convention shall by the affirmative vote of at least forty-two delegates agree upon the final form of the Constitution or proposed amendments to the Constitution.

RULE 65. The final form of the Revised Constitution or proposed amendments to the Constitution as agreed upon by the Convention shall be referred to the Committee on Submission and Information. Such Committee shall consider and report to the Convention recommending the method and manner of submitting them to the people in accordance with law, and shall give such notices and make such reports as may be required by law and the instructions of the Convention. The manner of submission to the people of the final form of the Revised Constitution or proposed amendments to the Constitution shall be agreed upon by resolution of the Convention by the affirmative vote of at least forty-two delegates.

RULE 66. When the Convention shall have agreed upon the final form of the Revised Constitution or proposed amendments to the Constitution and the manner of submission to the people according to law, the original thereof shall be prepared and signed by the President and Secretary and by the concurring delegates desiring to do so. Photostatic copies thereof (white prints) shall be prepared and then be certified by the President and Secretary of the Convention and delivered to the Governor, each delegate, each House of the Legislature and to any other officers designated by law or the instructions of the Convention.

CHAPTER IV

ILLINOIS CONSTITUTIONAL CONVENTION

1970

CONVENTION RULES

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1969 ILLINOIS CONSTITUTIONAL CONVENTION

Chapter 1. General Provisions

Rule 1. Quorum and Majority

A majority of members, as hereinafter defined, shall constitute a quorum for the transaction of business, but a smaller number may adjourn the Convention from day to day and may also compel the attendance of absent members by the means approved by a majority, but not less than 12, of the members present and voting. A majority of members may prescribe penalties for the nonattendance of members.

When a quorum is obtained, the affirmative vote of a majority of the members present and voting is sufficient for the adoption of any motion or resolution or the taking of any action, except in those cases where the affirmative vote of a different number is required by these rules.

The term "majority of members", unless otherwise specified, means a majority of the number of members elected and for which no vacancy exists by resignation, expulsion under Rule 60 or death.

Rule 2. Admission to Floor - Defined

Only members, officers and employees and authorized persons are permitted to be on the floor.



admitted to the floor of the Convention during the session. The phrase "floor of the Convention" means the room or chamber where the Convention sits in session, excluding the space designated for visitors and for the press.

Rule 3. Bar of the Convention - Defined

Any member, having answered the roll call at the opening of any session of the Convention or of a committee meeting, or having entered upon the floor of the Convention or committee room after roll call, shall thereafter remain within the bar of the Convention unless excused by the president of the Convention or by the committee chairman. The phrase "within the bar of the Convention" means the space occupied or used by the Convention or by any committee conducting the business of the Convention.

Rule 4. Seat of the Convention

The initial seat of the Convention is the hall of the House of Representatives in the state capitol building in the City of Springfield, Illinois. Sessions of the Convention and of the Committee of the Whole may be held at any other place in the state when authorized by the Convention. Hearings of the standing committees of the Convention may be held throughout the state as provided in Rule 25 of these rules.

Rule 5. Meetings of the Convention

All meetings of the Convention shall be open to the public and the news media.

Rule 6. Assignment of Seats

The permanent seats of the members shall be assigned by the president in the following order: alphabetically, from right to left, while facing the chair and from the front to the rear. Variations in this seating may be authorized by the president for the officers of the Convention. The same alphabetical procedure shall be followed for seating the members in sessions held at locations other than the seat of the Convention.

III. Officers of the Convention

The permanent officers of the Convention shall be a president, three presidents of coequal power and compensation, and a secretary. The president and the 3 vice presidents shall be compensated at rates not to exceed those established by Section 8 of Public Act 76-40. The secretary shall receive no additional salary. Each permanent officer shall be a member and shall be elected by the Convention by a majority of the votes cast.

Rule 8. Duties of the President

The president shall be the presiding officer and chief executive officer of the Convention. He shall preside at sessions of the Convention and of the Committee of the Whole, and exercise the usual powers and perform the usual duties of a presiding officer. He shall preserve order and decorum. He may speak to points of order and, subject to an appeal to the Convention or to the Committee of the Whole, shall decide points of order.

He shall cause to be prepared and furnished to each member a daily calendar and agenda of business for each session of the Convention.

Together with the secretary of the Convention, he shall authenticate by signature all proposals, resolutions, or other formal acts adopted by the Convention.

He shall, within 30 days after his election, prepare a budget and submit it to the Convention for its approval. No later than the 15th day of each month he shall submit to the Convention a report of the expenditures of the Convention for the preceding calendar month.

He shall let bids and award contracts for materials and services.

He shall have general charge and supervision over the executive, research, and clerical staff and all other employees of the Convention.

He may vote in all elections, on all divisions called for by any member, and on all questions taken by ayes and nays, including appeals from his decisions, except that the president may not vote twice, once to cause a tie vote and then again to break it.

He may designate any member to preside over the Convention in case of his absence or temporary disability for not more than 2 consecutive convention days.

#### Rule 9. Duties of the Vice Presidents

The vice presidents shall carry out such powers and duties as are assigned by the president. If the president is temporarily absent or temporarily unable to preside and has not designated another member to preside, the secretary shall preside. If the president is temporarily absent or disabled for more than 2 convention days, one of the vice presidents shall be selected by the Convention to exercise the powers and perform the duties of the president. The Secretary shall preside temporarily while such selection is made.

#### Rule 10. Duties of the Secretary

The Secretary shall have custody and preserve all proposals, resolutions, committee reports, and all other resolutions, books, documents and papers of the Convention. He shall not permit

them to be taken out of his custody except in the regular course of the business of the Convention.

He shall certify and deliver to the Secretary of State the revisions or alteration of or amendments to the constitution as approved by the Convention for submission to the electorate.

He shall cause to be kept and furnish to each member a printed journal of the proceedings of the Convention for the previous day which, when approved by the Convention, shall be the official journal of the Convention. He shall also cause to be kept and to be submitted to the Convention for approval a verbatim record of the proceedings of sessions of the Convention and meetings of the Committee of the Whole.

He shall have such other duties as stipulated in these rules, but, after consultation with the president, he may delegate part of his duties to the executive director, or another employee designated by the president. He may not, however, delegate the duty of certifying the revision or alteration of or amendment to the constitution approved by the Convention for submission to the electorate.

#### Rule 11. Vacancies

If a permanent vacancy occurs in the office of president, the secretary shall temporarily preside until the Convention elects a president to fill the office in the same manner in which the officer was first elected.

If a permanent vacancy occurs in the office of any of the vice presidents or in the office of the secretary, the president shall

appoint a member to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected.

Rule 12. Employees of the Convention

There shall be an executive director of the Convention, and such other employees as may be necessary for the effective operation of the Convention, all of whom shall be appointed by the president. All employees shall be persons who are not members and their compensation shall be fixed in such manner as may be determined by resolution of the Convention.

Rule 13. Duties of the Executive Director

The executive director shall be primarily responsible for the administration of the Convention, under the authority and supervision of the president. In this capacity he shall be responsible for the employment, assignment and direction of all personnel, the supervision of the payroll, and he shall be director of the Convention's budget. He shall also supervise the acquisition and care of the facilities, services and supplies needed by the Convention. He shall have such other duties and responsibilities as may be delegated to him by the president or the secretary of the Convention.

Chapter III. Committees

Rule 14. Substantive Standing Committees

The substantive standing committees of the Convention and the initial number of members thereof, exclusive of those ex officio, respectively, shall be as follows:

1. Committee on Bill of Rights, 15 members.
2. Committee on the Legislature, 11 members.
3. Committee on the Executive, 11 members.
4. Committee on the Judiciary, 11 members.
5. Committee on Revenue and Finance, 18 members.
6. Committee on Suffrage and Constitutional Amendment,  
9 members.
7. Committee on Local Government, 15 members.
8. Committee on Education, 11 members.
9. Committee on General Government, 11 members.

The president shall be, ex officio, a member of all substantive standing committees, but shall have no vote and shall not be counted for the purpose of determining a quorum. Each vice president shall be, ex officio, a member of those substantive standing committees to which he is assigned by the president, but shall have no vote and shall not be counted for the purpose of determining a quorum.

Rule 15. Procedural Standing Committees

The procedural standing committees of the Convention shall be as follows:

1. Committee on Rules and Credentials;
2. Committee on Style, Drafting and Submission;
3. Committee on Public Information.

The Committee on Rules and Credentials shall consist of 11 members and the president and the 3 vice presidents of the Convention. The president shall be chairman of the Committee on Rules and Credentials. The Committee on Style, Drafting and Submission shall consist of at least one member from each substantive standing committee, and the president and the 3 vice presidents of the Convention. The Chairman of the Committee on Style, Drafting and Submission may be excused by the President from work in the substantive committee to which he is assigned. The Committee on Public Information shall consist of such members as the president may designate and the president and such of the vice presidents as he may designate.

Rule 16. Select Committees

The president may on his own initiative or at the direction of the Convention appoint such select committees as may be necessary to perform special functions.

Rule 17. Appointment of Committee Members

The president, after consultation with the vice presidents, shall appoint the committee members, but any appointment, on announcement thereof, may be rejected by a majority of the



member of the Convention on the first session day following such announcement. Each member, except the president and the 3 vice presidents shall be appointed to serve on one substantive standing committee.

Rule 18. Appointment of Committee Chairmen and Vice Chairmen

Except as otherwise provided in Rule 15, the president, after consultation with the vice presidents, shall designate the chairman and vice chairman of every committee, and his designees shall be subject to the approval by a majority of the members of the Convention. In case of a vacancy or the prolonged absence of the chairman and vice chairman, the president of the Convention shall appoint a chairman to act until the chairman or vice chairman shall return.

Rule 19. Quorum and Rules of Committees

A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the Convention, unless the question has been raised before the committee. The rules of the Convention shall be observed in all standing committees as far as may be applicable, and, if applicable, may not be suspended.

Rule 20. Calling of Committees and Agenda

Each committee shall meet at the call of its chairman, who shall also set its agenda. Any 3 members of a committee

may in writing request the chairman to call a meeting of that committee, and upon his failure to do so within 48 hours not including Saturdays, Sundays and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each proposal referred to a committee must appear on the committee's agenda at least once, but the committee shall not be required to report to the Convention thereon except as provided in Rule 26.

Rule 21. Notice of Committee Meetings and Hearings

No committee meetings or hearings may be held unless notice thereof is posted in the following manner: The secretary of the Convention shall be furnished an original and 2 copies of a written notice, signed by the chairman or members of the committee calling the meeting. The notice shall state the date, hour, and the place of the proposed meeting and the proposal number or subject matter to be considered. The secretary shall post one copy thereof on a designated bulletin board with an endorsement thereon by time stamp of the exact hour and date of the posting, which may not be less than 48 hours before the time of the meeting. The original notice shall be retained by the secretary. The other copy shall be returned to the chairman of the committee with the endorsement of the secretary. The secretary shall mail or deliver a copy of the notice to all members of the committee and to all members of the Convention who have introduced proposals on the subject matter to be considered.

Rule 22. Sitting of Committees During Sessions of the Convention

No committee shall sit during the sessions of the Convention or of the Committee of the Whole, without having first obtained special leave of the Convention.

Rule 23. Subcommittees

A committee, by the affirmative vote of a majority of its members, may provide for the appointment by the committee chairman of subcommittees composed of members of the committee. Reports of subcommittees shall be considered by the entire committee before the committee recommends any action thereon by the Convention. All rules applicable to committees shall be applicable to subcommittees.

Rule 24. Report of Committees

The affirmative vote of a majority of the members of a committee shall be necessary to report a proposal out of a committee. A committee by a majority of its members may submit alternative proposals to the Convention and may report proposals with or without a recommendation for action. The report of a minority of at least 3 of the members of any committee shall be received, printed in the same manner as the majority report, and treated as an amendment or substitute offered to or for the report of the committee if offered as such on the floor.

All proposals reported by a committee to the Convention shall be reported as committee proposals and shall be referred to the Committee of the Whole.

Rule 25. Committee Meetings and Hearings

All committee and subcommittee meetings and hearings shall be open to the public and the news media. Committees and subcommittees shall hold meetings at which action may be taken on proposals in the city of Springfield or any other place which may be temporarily the seat of the Convention, and, upon the affirmative vote of a majority of the members of the committee and after consultation with and approval by the president, may hold hearings at any other place in the State. Committees and subcommittees may take testimony under oath or affirmation. The chairman of a committee or subcommittee may request the president of the convention to subpoena documents and witnesses. A witness shall have the right to be represented by counsel of his own choosing. A recorded roll call vote on any matter on the agenda of a committee and on which a vote is to be taken shall be taken on demand of any member of the committee. A committee, after consultation with and approval by the president, may direct that a verbatim record be kept of any portion of its proceedings.

Committees may meet jointly with the consent of their respective chairmen.

Rule 26. Consideration of Proposals Without Committee

Recommendation

After one day's notice the Convention, on motion passed by the affirmative vote of a majority of members, may require a committee to return, with or without a recommendation, any proposal referred to the committee.

Chapter IV. Committee of the Whole

Rule 27. General Orders of the Day

All proposals reported by any committee of the Convention shall be referred to the Committee of the Whole and become general orders to be placed upon the calendar and agenda of the Committee of the Whole by the President. No committee proposal shall be considered by the Committee of the Whole until the third day after it has been referred to the Committee of the Whole nor until the day after the printed proposal has been placed on the members' desks, unless the Convention, agrees to its earlier consideration.

Rule 28. Consideration of Proposals

When the Convention reaches consideration of the General Orders of the Day, it shall then sit as the Committee of the Whole to consider such orders, or to consider a particular order designated by the Convention by the affirmative vote of a majority of those present and voting. No business shall be in order until all pending General Orders of the Day have been considered or passed over, or the Committee of the Whole has risen. Unless a particular proposal has been specially designated by a majority of those present and voting or by the president for consideration out of turn, the Committee of the Whole shall consider, act upon, or pass over the General Orders of the Day in the order in which they were referred to the Committee of the Whole.

Rule 29. Reading; Debate; Amendment

In the Committee of the Whole, proposals shall, at the request of any member, be read by the clerk before being debated or acted

upon. All amendments shall be entered on separate paper and stated to the members by the presiding officer.

Rule 30. Motion that Committee of the Whole Rise

A motion that the Committee of the Whole rise shall always be in order unless a member of the Committee is speaking or a vote is being taken, and such motion shall be decided without debate by the vote of a majority of those present and voting.

Rule 31. Reconsideration

A motion to reconsider shall be in order in the Committee of the Whole and may be presented no later than the next session day of the Committee of the Whole following the session at which the action to be reconsidered was taken.

Rule 32. Application of Convention Rules

The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable except that: the Committee of the Whole cannot adjourn the Convention; the previous question shall not be ordered; the vote of a majority of members is necessary to approve a proposal and refer it to the Committee on Style, Drafting and Submission; the Committee may re-refer any proposal back to the substantive committee from which it came or may refer it to any other substantive committee; and a motion to postpone indefinitely or a motion to table or for a Call of the Convention shall not be in order. A member may speak more than once in the Committee of the Whole. A verbatim journal of its proceedings and a transcript of its debates shall be kept by the Committee of the Whole.

Chapter V. Transaction of Business

Rule 33. Order of Business

The order of business of the Convention shall be as follows:

1. Call to order and preliminary matters.
2. Invocation.
3. Roll call.
4. Reading of Journal.
5. Reports of standing committees.
6. Reports of select committees.
7. Communications.
8. Introduction and first consideration and reference of proposals.
9. Second and final consideration of proposals.
10. Motions and resolutions.
11. Unfinished business.
12. General orders of the day.

Rule 34. Roll Call

The secretary shall call the roll at the opening of each session of the Convention and the president shall announce whether a quorum is present. The president shall announce, and the secretary shall enter in the Journal, the names of the members absent with leave of the Convention, and the names of members absent without such leave.



If a voting machine is provided, vote by machine shall be taken whenever a roll call or a vote by ayes and nays is directed by or in accordance with these rules.

Rule 35. Petitions; Printing in Journal

No memorial, remonstrance, or petition shall be read or be printed in full in the Journal unless ordered read or printed by the Convention.

Rule 36. Motions and Resolutions

When a motion is made, it shall be stated to the Convention by the president; or, if in writing, it shall be handed to the secretary and read aloud to the Convention before being debated.

Every resolution, other than a proposal, shall be submitted in quintuplicate and shall be referred to the appropriate committee. If the rules are suspended to permit immediate consideration of a resolution, the resolution shall be read in full to the Convention before it is considered.

Rule 37. Reduced to Writing

Every motion or amendment shall be reduced to writing if the president or any 10 members request it, and shall be entered upon the Journal, together with the name of the member making it, unless the motion is withdrawn by the maker or is ruled out of order by the president.



Rule 38. Withdrawal of Motions

After a motion has been stated by the president or read by the secretary, it shall be deemed to be in the possession of the Convention, but it may be withdrawn by the member at any time before being amended or put to vote.

Rule 39. Privileged Motions

When a question is under debate, no motion shall be received except--

1. To amend the calendar and agenda.
2. To fix the time to which to adjourn.
3. To adjourn.
4. To take a recess.
5. To reconsider.
6. To call for the Orders of the Day.
7. To lay on the table.
8. For a Call of the Convention.
9. To move the previous question.
10. To limit debate.
11. To postpone to a day certain.
12. To commit.
13. To amend.
14. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order which they stand arranged. All of them shall be decided by

the affirmative vote of a majority of those present and voting, except that a motion for the previous question requires the affirmative vote of 2/3 of those present and voting and a motion to postpone indefinitely requires the affirmative vote of a majority of members and a motion to limit debate requires the vote prescribed in Rule 53. When a recess is taken while a question is pending, consideration of such question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, amendments to the pending proposal shall first be in order before any vote is taken on any such motion.

#### Rule 40. Motions not Debatable

A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order, shall be decided without debate.

#### Rule 41. Order of Putting Questions

All questions shall be put in the order in which they are moved, except in the case of privileged motions.

#### Rule 42. Amendment must be Germane

No motion or proposition relating to a subject different from

that under consideration shall be admitted under color of an amendment or substitute.

Rule 43. Division of Question

Any member may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule.

Rule 44. Previous Question

The method of ordering the previous question shall be as follows: Any member may move the previous question and, unless otherwise stated, the motion shall apply to the immediately pending question only. When such motion is seconded, the presiding officer shall put the question, "Shall the main question now be put?" This shall be ordered only by the affirmative vote of 2/3 of the members present and voting. After the seconding of a motion for the previous question and prior to the ordering of the same, a Call of the Convention may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending question or questions, except demands for the ayes and nays, points of order, appeals from the decision of the Chair, and a motion to adjourn or to take a recess, all of which shall be decided without debate. The effect of ordering the previous

question is to put an end to all debate and bring the Convention to a direct vote upon the immediately pending question, and such other pending questions as were specified in the motion in their order down to and including the main question; provided, however, that when the previous question is ordered, amendments then on the secretary's desk shall be acted upon. When a motion to reconsider has been taken under the previous question and decided in the affirmative, the fact that the previous question had been ordered shall have no operation or effect with respect to the question for which reconsideration has been ordered. If the Convention refuses to order the previous question, it shall resume consideration of the pending subject as though no motion for the previous question had been made.

Rule 45. Motion for Reconsideration

Any member who voted on the prevailing side may move for a reconsideration of any question at the same session day of the Convention or may give notice that he will make such a motion not later than the next succeeding session day. If the member who gave the notice does not make the motion at the next succeeding session day, any member may do so. The Committee on Style, Drafting and Submission may move for reconsideration on any subsequent day if one session day's notice of its intention to do so is given in writing to the secretary and entered upon the Journal. A motion to reconsider shall take precedence over all other questions, except a motion to amend the calendar and agenda, a motion to fix the time to which to adjourn, a motion to adjourn and a motion to recess. A motion to reconsider shall not be renewed on the same day.

Rule 46. Ordering Calls of the Convention

Calls of the Convention may be ordered upon motion by the affirmative vote of a majority of the members present and voting, but the total vote in favor of such Call shall not be less than 12.

Rule 47. Procedure on Call of Convention

After a Call of the Convention is ordered the doors shall be closed and the members shall not be permitted to leave the floor of the Convention without permission of the president or the Convention. The sergeant at arms shall notify all members within the bar of the Convention of the Call. The roll of the Convention shall be called and the absentees noted. The sergeant at arms may, upon motion, be dispatched after the absentees. In such case, a list of the absentees shall be furnished by the secretary to the sergeant at arms, who shall bring such absentees to the floor of the Convention with all possible speed. In case the sergeant at arms requires assistance in addition to the regularly appointed assistant sergeants at arms of the Convention, the president, upon motion, may deputize as a special assistant sergeant at arms any person properly qualified. The Convention may proceed to business under a Call of the Convention pending the arrival of any absentees.

Rule 48. Proposals; Introduction

Any suggestion, proposition or draft intended to become a part of any revised constitution or amendment or alteration of the existing

constitution, or schedule to be attached thereto, or recommendation for no change therein, shall be called a proposal. A proposal introduced by a member shall be designated a member proposal and a proposal submitted by a committee shall be designated a committee proposal. A member proposal shall be endorsed by the member or members introducing it and a committee proposal shall be presented by the chairman of the committee submitting it. No member proposal may be introduced later than March 3, 1970.

Each proposal shall be introduced or submitted in quadruplicate. All proposals must be typed, double spaced on 8 1/2 x 14 inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page 2 shall be numbered at the top center of the page. Each proposal shall have a cover page on which shall be placed the numerical designation of the proposal, a synopsis of the proposal, the name of the proposer and the date offered and the words: Be it proposed. The proposals shall be reproduced. The original of all proposals shall remain in the custody of the Convention. The secretary shall, as soon as any proposal is reproduced, place it on the desks of the members.

All proposals must be approved as to form by some person or agency designated by the president before being introduced or submitted



When a member proposal is introduced it shall be referred by the president to the proper standing committee, except when he refers it to the Committee on Rules and Credentials to determine whether its content is on the appropriate order of business. By vote of at least one-third of the members of the Committee on Rules and Credentials any proposal shall be referred to a standing committee. A proposal submitted by a standing committee shall be placed on the General Orders.

Rule 49. Order of Consideration of Proposals

The prescribed order in which proposals introduced in the Convention are to be taken up or acted upon shall be as follows:

1. Introduction, first consideration, reference to a committee by the president, and ordered printed and distributed unless otherwise ordered by a majority of the members present.
2. Report of the committee and placing on the General Orders.
3. Consideration by the Committee of the Whole in order of their reference unless otherwise provided under Rule 28.
4. Report by the Committee of the Whole and reference to the Committee on Style, Drafting and Submission.
5. Report of the Committee on Style, Drafting and Submission.
6. Second consideration, final passage of each proposal.
7. Re-reference to the Committee on Drafting, Style and Submission for incorporation in final draft.
8. Report by the Committee on Style, Drafting and Submission of any complete revision of, or proposed amendment to, the Constitution.

9. Tentative adoption of any complete revision of, or proposed amendment to, the Constitution.
10. Third consideration and final passage of any complete revision of, or proposed amendment to, the Constitution.

Rule 50. Majority Vote on Proposals

On the final passage of every proposal, section, article and of any complete revision of or amendment to the Constitution, the vote shall be taken by ayes and nays and entered on the Journal and no proposal, section, article, or any such amendment or complete revision, shall be declared finally passed unless a majority of members have voted in favor of the passage of the same.

Rule 51. Calendar and Agenda

The president shall cause to be prepared a calendar and agenda for each session of the Convention. The calendar shall be furnished to the secretary, who shall distribute it to the members at least 6 hours before the time set for the next session of the Convention, unless the president waives the time requirement prescribed in this rule as necessary to the orderly or expeditious conduct of the business of the Convention. The Convention, at any time or from time to time during a session, may adopt, reject or modify the daily calendar and agenda presented to it.

Rule 52. Unfinished Special Orders

Any subject matter which has been made a special order for a



particular day, but which is not reached on that day, shall then come up for consideration under the order of "Unfinished Business" at the next succeeding session of the Convention.

Rule 53. Limitation on Debate and Control of Dilatory Procedure

The Convention by the affirmative vote of a majority of members may limit the time of debate on any matter before the Convention and may designate a method of allocating among members the period allowed for debate, provided that any member who shall not have had an opportunity to speak on the pending matter prior to the completion of debate which has been limited in accordance with this Rule shall be entitled, upon request, notwithstanding such limit, to speak for not more than 5 minutes.

Chapter VI. Members

Rule 54. Conduct in Debate.

When any member is about to speak in debate or to present any matter to the Convention, he shall rise from his seat, and address himself to "Mr. President;" he shall not speak until recognized and when recognized he shall confine himself to the question under consideration and avoid personalities. A member may not use offensive language during debate.

Rule 55. Members Called to Order

The president or any member may challenge any other member who, in speaking, violates the rules of the Convention. Upon such challenge, the president may order the speaker to sit down. The president's order to sit down, or the failure of the president to order the speaker to sit down, may be appealed.

Rule 56. Contest of Elections

A question of the election, returns or qualifications of any member shall be referred to the Committee on Rules and Credentials for investigation and report. The affirmative vote of a majority of members is required for the adoption of the report of the Committee on Rules and Credentials on any election contest.

Rule 57. Dissent of Members

Any 2 or more members shall have the liberty to dissent from and protest in respectful language against any action or resolution relating to the Convention which they think injurious to the public or to any individual and have the reasons for their dissent entered upon the Journal.

Rule 58. Times and Length a Member May Speak

No member shall speak longer than 10 minutes at any one time, nor more than once on the same question, except by leave of the Convention; except that the person handling a proposal shall have the right to speak no longer than 5 minutes to close debate, even if the previous question has been ordered and even if he has spoken once before on the issue. Also any member shall have 3 minutes to explain his vote on any roll call vote on proposals or amendments to proposals any time prior to the announcement of the vote on the question.

Rule 59. Absence of Member

No member shall absent himself from the sessions of the Convention unless he have leave or be sick, or his absence be unavoidable.

Rule 60. Disrespectful or Contemptuous Behavior of Members

The Convention may, by a vote of 2/3 of the members elected

and serving, hold a person guilty of disrespectful or contemptuous behavior in its presence.

If any member is held guilty of disrespectful or contemptuous behavior in the presence of the Convention, he may be deprived of his committee assignments, denied speaking privileges, and denied secretarial and staff aid, or suspended or expelled. Such penalties and the duration thereof must be encompassed in the motion holding guilty.

Rule 61. Constitutional Convention Lobbyist Registration Act

Persons subject to the Constitutional Convention Lobbyist Registration Act must comply with the provisions of that Act.

RULE 62. Disclosure of Personal Interest

Any member who has a significant personal or private interest, economic or otherwise, in a matter before the Convention shall disclose this interest to the Convention.

RULE 62A--Disclosures of Personal Economic Interests  
Recommended for inclusion in Rules of the  
Sixth Illinois Constitutional Convention  
by the Committee on Rules and Credentials

Rule 62A. Each member shall file a Statement of Interest, as of December 8, 1969, on a form prescribed by the Rules Committee with the Secretary of the Convention on or before February 1, 1970. The Statement shall include:

- (1) A list of beneficial economic interests held directly or indirectly by the member or by members of his immediate family (spouse and minor children living with him) whether in the form of stocks, bonds, realty, equity or creditor interests in proprietorships or partnerships, or otherwise. Exempted from disclosure are: (a) interests in the form of accounts in banks and savings and loan associations and, (b) equity interests valued at less than \$5,000 and representing less than 5% of the total equity interest in the entity;
- (2) A list of every remunerative office, directorship and salaried employment of the member making the disclosure and of members of his immediate family (spouse and minor children living with him) in any entity; however, offices, directorships and salaried employments in political, religious, charitable and educational entities need not be reported, if compensation of less than \$1,000 per year is being received;
- (3) A list of debts or other economic interests which could create serious conflicts of interest.

Any material changes of interest as described above subsequent to December 8, 1969 shall be reported within 30 days after the occurrence of such change. The values or amounts of any interest, compensation, or thing of value required to be reported need not be disclosed. Any person or entity required to be reported shall be identified by the type of economic activity in which it engages and if it is the agent or representative for another, that person or entity's type of economic activity. The Statement shall be signed, dated, sworn, and notarized. All such Statements shall be on file with the Secretary of the Convention and open to public inspection. Failure to file, or to knowingly file a false Statement duly found by the Convention, is disrespectful and contemptuous behavior in the presence of the Convention.

Chapter V.I. Miscellaneous

Rule 63. Reading of Documents

When the reading of a document is called for and an objection is raised to such reading, the Convention shall determine without debate whether the document shall be read.

Rule 64. Presentation and Endorsement of Petitions

Petitions received by an officer of the Convention or by any member may be initialed by the recipient, and referred to the delegates from the district from which the petition came.

Rule 65. Putting the Question

The president shall put all questions substantially in this form: "As many as are in favor of (as the question may be) say 'aye';" and after the affirmative vote is expressed, "as many as are opposed say 'no'." If the president is in doubt as to the vote, he may order a division or roll call of the Convention.

A division of the Convention may be had upon the demand of 5 members. When a division of the Convention is ordered the president shall declare the result.

A roll call may be had upon the demand of 10 members.

On a tie vote the question shall be determined as lost.

Rule 66. Recognition during Roll Call

After a question has been stated by the president, and the call of the roll has been started, the president shall not recognize a member for any purpose except upon points of order, or

the purpose of explaining his vote on a proposal or amendment thereto, until after the announcement of the vote. The secretary shall enter upon the Journal the names of those voting "aye" and the names of those voting "no."

#### Rule 67. Roll Call

At the roll call to be taken at the opening of each session and upon Calls of the Convention, the names of the members shall be called alphabetically or the voting machine shall be used, if provided, and the absentees noted, after which the names of the absentees shall be called.

#### Rule 68. Amendment or Suspension of Rules

These rules may be amended by the affirmative vote of a majority of members after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules, and has been in the possession of the members not less than two session days prior to its consideration. The Committee on Rules may be discharged from further consideration of any proposed amendment upon the same notice and by the same vote as is provided in Rule 26 for proposals. One or more rules may be suspended for a specified purpose by the affirmative vote of  $2/3$  of the members present or a majority of all members of the Convention, whichever constitutes the lesser number.



Rule 69. Appeals -- Form of Question

On all appeals from decisions of the Chair, the question shall be "Shall the appeal be sustained?" A favorable vote of a majority of the members present and voting shall sustain the appeal. The presiding officer may cast his vote on an appeal from his decision, and he shall have the right to explain his decision.

Rule 70. Robert's Rules of Order

In all cases not covered by these rules the controlling parliamentary authority shall be the latest edition of Robert's Rules of Order Revised.

Rule 71. Voting by the Electrical Roll Call System

When the Convention is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the presiding officer shall announce: "The question is on the passage of (designating the matter to be voted upon). All in favor of such question shall vote 'aye,' all opposed shall vote 'nay.'" The Convention will now proceed to vote."

After affording the members sufficient time in which to vote, the presiding officer shall announce: "Have all voted who wish?" and after a short pause he shall then say: "The secretary shall proceed to record the vote."

The secretary shall immediately start the vote recording equipment, and when completely recorded, the president shall

announce the result. The secretary shall enter upon the Journal the result in the manner provided by the rules of the Convention.

Any member shall be privileged to vote or change his vote after the vote recording equipment has started to operate, and prior to the time the result is announced.

No member may cast the vote of another member in any session of the Convention, Committee of the Whole or committee meeting, nor shall any person not a member cast a vote for any member. Any member who votes or attempts to vote for another member may be punished in such manner as the Convention determines. If a person not a member votes or attempts to vote for any member, he shall be barred from the floor of the Convention for the remainder of the session and may be further punished in such manner as the Convention determines proper. Proxy voting is not permitted.

Rule 72. "Present" Votes

Votes cast as "present" shall be recorded in the Journal as "present," but such votes shall not be counted in determining the required number of votes on those measures or questions needing the affirmative vote of those "present and voting."

Rule 73. Convention Schedule

The Convention shall have a schedule, which shall be prepared by the president and submitted to the Convention for its approval.

CHAPTER V

MARYLAND CONSTITUTIONAL CONVENTION

1967

CONVENTION RULES

**RULES**  
OF THE  
**CONSTITUTIONAL  
CONVENTION  
OF  
MARYLAND**



1967

STATE HOUSE  
Annapolis

**STANDING RULES**  
As Amended Through November 2, 1967

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## STANDING RULES OF THE CONSTITUTIONAL CONVENTION

Adopted by the Constitutional Convention  
at its Organization Meeting  
July 11, 1967

As amended through November 2, 1967

### CHAPTER I

#### GENERAL PROVISIONS

Rule 1. Quorum and Majority. A majority of all the delegates to the Convention shall constitute a quorum for the transaction of business, but a smaller number may adjourn the Convention from day to day and may also compel the attendance of absent delegates by the means approved by a majority, but not less than fifteen, of the delegates present. A majority of all the delegates may prescribe penalties for the non-attendance of delegates.

When a quorum is obtained, the affirmative vote of a majority of the delegates present and voting shall be sufficient for the adoption of any motion or resolution or the taking of any action, except in those cases where the affirmative vote of a greater number shall be required either by these rules or by Section 10 or Section 13 of Chapter 4 of the Acts of the General Assembly of 1967.

All sessions of this Convention and all meetings of its committees shall be open to the public at all times, and no rules shall be promulgated which in any way infringe upon the public's right to information about the Convention.

Rule 2. Admission to Floor—Defined. No person, other than a delegate, officer or employee of the Convention, accredited news correspondent or person invited by the president, shall be admitted on the floor of the Convention immediately preceding the time set for any call to order and immediately following adjournment. Only delegates, officers and employees and such other persons as may be authorized by the president shall be admitted to the floor of the Convention during the session. The phrase "floor of the Convention" means the room or chamber where the Convention sits in session, excluding the space designated for visitors and for the press.

### CHAPTER II

#### OFFICERS AND EMPLOYEES

Rule 3. Officer of the Convention. The officers of the Convention shall be an honorary president, a president, a first vice-president, and a second vice-president, all of whom shall be elected by the Convention by the vote of a majority of all the delegates, by roll call



vote. There shall also be a secretary, a chief clerk, a sergeant at arms, a parliamentarian, a historian, and such other officers as may be necessary from time to time, all of whom shall be selected in such manner as may be determined by resolution of the Convention adopted by a majority of all the delegates. The honorary president, president and vice-presidents shall be delegates and shall receive no additional compensation for services performed as officers. All officers and employees of the Convention, other than the honorary president, the president and the vice-presidents, shall be persons who are not delegates and their compensation shall be fixed by the president.

#### THE PRESIDENT

**Rule 4. Duties of Presiding Officer.** The president shall preside at sessions of the Convention and of the Committee of the Whole, and exercise the usual powers and perform the usual duties of a presiding officer. He shall preserve order and decorum and fairly assign floor rights. He may speak to points of order and, subject to an appeal to the Convention or to the Committee of the Whole, shall decide points of order.

**Rule 5. Appointment by the President.** The president, after consultation with the vice-presidents, and after giving due consid-

eration to the requests of the various delegates, shall appoint a chairman and the members of all committees. All appointments shall be announced to the Convention and entered upon the Journal. Each committee shall elect one of its members to be the vice-chairman. The vice-chairman shall perform all the duties and functions of the chairman in the absence of the chairman.

**Rule 6. Administration of Convention.** Except as otherwise provided the president shall appoint, and assign duties to, all employees of the Convention. The president, with the consent of the chairman of each standing committee, shall appoint the staff of such committee.

**Rule 7. Authority of President.** The president shall be chief executive of the Convention and all other officers and employees shall be responsible to his general supervision.

**Rule 8. Naming of the President Pro Tem.** The president may appoint any delegate to preside temporarily at any session of the Convention or of the Committee of the Whole, but not for longer than one day at a time without leave of the Convention.

**Rule 9. Voting.** The president may vote in all elections, on all divisions called for by any delegate, and on all questions taken by ayes

and nays, except that the president may not vote twice, once to cause a tie vote and then again to break it.

#### VICE-PRESIDENTS

**Rule 10. Powers and Duties.** If the president is temporarily absent or temporarily unable to preside, the first vice-president, or, in the absence or inability of the first vice-president to preside, the second vice-president, shall exercise the powers and perform the duties of the president and shall preside over the Convention or the Committee of the Whole, unless the president shall have designated another delegate as president *pro tem* for that session or that day. If a vacancy occurs in the office of president, the first vice-president shall temporarily exercise the powers of the office of president until the Convention elects a president to fill the office. If a vacancy occurs in the office of the first vice-president, the second vice-president shall succeed thereto. The Convention shall fill any vacancy in the office of second vice-president.

#### SECRETARY

**Rule 11. Responsibilities of the Secretary.** The secretary shall be the chief administrative officer of the Convention and shall be primarily responsible for its administration, under the direct authority of the president.

## CHAPTER III DELEGATES

shall also keep a verbatim record of the proceedings of sessions of the Convention and meetings of the Committee of the Whole.

**Rule 14. Order of Business.** The chief clerk shall furnish to each delegate the daily calendar and agenda of the business of each session of the Convention provided for by Rule 60 and a copy of each proposal as soon as practicable.

### SERGEANT AT ARMS

**Rule 15. Powers and Duties.** The sergeant at arms shall be the chief police officer of the Convention.

### PARLIAMENTARIAN

**Rule 16. Duties.** The parliamentarian shall be advisor and counsel to the presiding officer on all matters of parliamentary procedure; however, all parliamentary rulings shall be the responsibility of, and shall be made by, the presiding officer.

### HISTORIAN

**Rule 17. Duties.** The historian shall be responsible for collecting, compiling, documenting and preserving all proceedings of the Convention and its several committees. He shall also oversee the publication of any of the historical records and documents of the Convention.

The secretary, under the supervision and authority of the president, shall be responsible for the employment and assignment of personnel, the supervision of payroll, the registration of lobbyists or any special interest groups pursuant to any requirements imposed by rule or resolution of the Convention, and communications with the press. He shall be director of the Convention's budget and shall supervise the acquisition and care of facilities, services and supplies needed by the Convention.

The secretary, with the president, shall certify to the secretary of state the proposals for a new constitution and the form thereof as approved by the Convention for submission to the electorate on May 14, 1968, in accordance with Section 15 of Chapter 4 of the Acts of the General Assembly of 1967.

### CHIEF CLERK

**Rule 12. Roll Call.** The chief clerk shall call the roll at the opening of each session of the Convention and the president shall announce whether or not a quorum is present.

**Rule 13. Journal and Transcript.** The chief clerk shall furnish to each delegate a copy of the journal of the proceedings of the Convention for the previous day which, when approved by the Convention, shall be the official journal of the Convention. The chief clerk

**Rule 18. Conduct in Debate.** When any delegate is about to speak in debate or to present any matter to the Convention, he shall rise from his seat, and address himself to "Mr. President"; he shall not speak until recognized and when recognized he shall confine himself to the question under consideration and avoid personalities.

**Rule 19. Delegates Called to Order.** The president or any delegate may challenge any other delegate who, on speaking, violates the rules of the Convention. Upon such challenge, the president may order the speaker to sit down. The president's order to sit down, or the failure of the president to order the speaker to sit down, may be appealed.

**Rule 20. Times Delegate May Speak.** Except as provided by Rule 38, no delegate may speak more than once on the same question without leave of a majority of those present and voting, unless he be the mover of the matter pending or chairman of the committee that reported it, in which case he shall be privileged to speak twice.

**Rule 21. [General Limit on Debate.]** Except upon the affirmative vote of a majority of the delegates then present and voting, no



delegate may speak longer than fifteen (15) minutes without being required by the presiding officer to yield the floor. The restriction imposed by this Rule shall not be applicable to chairmen and vice-chairmen of committees when the latter are presenting a report of their committee to the Convention or to the Committee of the Whole, and the same exemption from the requirement of this Rule shall also be applicable in the case of the chief spokesman for a minority report of a committee of the Convention.

Rule 22. **Seating.** Except in the case of the delegates who have been elected as officers of the Convention, the seats of the delegates on the Convention floor shall be arranged in alphabetical order by surnames. If a vacancy occurs the person selected to fill the vacancy shall continue to have the seat of the delegate who vacated the position.

#### CHAPTER IV

#### COMMITTEES

Rule 23. **Establishment and Meetings.** The standing committees of the Convention shall be:

1. Committee on Personal Rights and the Preamble
2. Committee on Suffrage and Elections

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3. Committee on the Legislative Branch
  4. Committee on the Executive Branch
  5. Committee on the Judicial Branch
  6. Committee on Local Government
  7. Committee on State Finance and Taxation
  8. Committee on General Provisions
  9. Committee on Style, Drafting and Arrangement
  10. Committee on Calendar and Agenda of the Convention
  11. Committee on Rules, Credentials and Convention Budget
  12. Committee on Public Information
- Committees 1 through 8 shall be considered substantive committees and each delegate shall be entitled to serve on one of these eight committees.

Each committee shall meet at the call of its chairman or by the written request of a majority of its members.

A recorded roll call vote on any matter before a committee shall be taken on demand of any member of the committee.

Each committee shall maintain an action journal of all its proceedings and a calendar,

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both of which shall be available to the delegates, news media and interested members of the public.

Additional committees may be established by resolution of the Convention.

Rule 24. **Vacancies.** In case of a vacancy or the prolonged absence of the chairman and vice-chairman, the president of the Convention shall appoint a chairman to act until the chairman or vice-chairman shall return.

Rule 25. **Sitting of Committees during Sessions of the Convention and the Committee of the Whole.** No committee, except the Committee on Calendar and Agenda of the Convention, shall sit during the sessions of the Convention or of the Committee of the Whole, without having first obtained special leave of the president, or of the Convention or of the Committee of the Whole by the affirmative vote of a majority of those present and voting.

Rule 26. **Power to Incur Expenses.** No delegate or committee shall incur any expense chargeable to the Convention unless such expense is approved by the president or is authorized by resolution of the Convention. No motion or resolution calling for an expenditure of money shall be acted upon by the Convention without first being referred to an appropriate committee for consideration and recommendation.

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**Rule 27. Subcommittees.** A committee, by the affirmative vote of a majority of its members, may provide for the appointment by the committee chairman of subcommittees composed of delegates who are members of the committee. Reports of subcommittees shall be considered by the entire committee before the committee recommends any action thereon by the Convention.

**Rule 28. Notice of Reports.** A committee shall notify all delegates who have introduced proposals on the same subject matter of the time and place where they may meet with the committee to explain such proposals, and the notice required by this rule shall be given at least twenty-four hours before the committee takes final action. The requirements imposed by this rule shall not be applicable with respect to delegate proposals introduced after October 27, 1967.

**Rule 29. Report of Committees.** The affirmative vote of a majority of the members of a committee having the right to vote shall be necessary to report a proposal out of committee. The report of a minority of at least twenty per cent of the members of any committee having the right to vote shall be received, printed in the same manner as the majority report, and treated as an amendment or substitute offered to or for the report of the committee if offered as such on

the floor. All proposals reported by a committee to the Convention shall be referred to the Committee of the Whole. All committee recommendations shall be accompanied by a concise written explanation of the reasons for the committee's action.

**Rule 30. [Last Day for Committee Reports.]** Except upon the affirmative vote of a majority of the delegates present and voting, the Committee of the Whole will receive no final report of a substantive committee after November 17, 1967.

**Rule 31. Committee Meetings and Hearings.** Committees may hold meetings or public hearings at the seat of the Convention and may be authorized by the Convention to hold meetings or public hearings at any other place. A committee may grant the powers here authorized to any subcommittee. A committee, with the approval of the president, may direct that a verbatim record be kept of any portion of its proceedings.

**Rule 32. Consideration of Proposals without Committee Recommendation.** After one session day's notice a committee, on motion passed by the affirmative vote of a majority of all the delegates, may be required to report, with or without a recommendation, any proposal referred to the committee.

## CHAPTER V COMMITTEE OF THE WHOLE

**Rule 33. General Orders of the Day.** All proposals reported by any committee of the Convention shall be referred to the Committee of the Whole and kept in the file called "General Orders of the Day." No committee proposal shall be considered by the Committee of the Whole until the third day after it has been referred to the Committee of the Whole, unless the Convention, by the affirmative vote of a majority of the delegates present and voting, agrees to its earlier consideration.

**Rule 34. Consideration of Proposals.** When the Convention reaches consideration of the General Orders of the Day, it shall then sit as the Committee of the Whole to consider such orders, or to consider a particular order designated by the Convention by the affirmative vote of a majority of those present and voting. Unless a particular proposal has been specially designated by the Convention for consideration out of turn, the Committee of the Whole shall consider, act upon, or pass over the General Orders of the Day in the order in which they were referred to the Committee.

**Rule 35. Amendments in Committee of the Whole.** Amendments offered in Committee of the Whole shall be subject to Rule 50, Amendments to Be Printed.

**Rule 36. Motion that Committee of the Whole Rise.** A motion that the Committee of the Whole rise shall always be in order unless a member of the Committee is speaking or a vote is being taken, and such motion shall be decided without debate by vote of a majority of those present and voting.

**Rule 37. Reconsideration.** A motion to reconsider shall be in order in the Committee of the Whole and may be adopted before the Committee rises by the affirmative vote of a majority of those present and voting.

**Rule 38. Application of Convention Rules.** The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable except that the Committee of the Whole cannot adjourn the Convention; no question may be laid on the table; the previous question shall not be ordered; the vote of a majority of the Committee shall govern its action; any motion to postpone further consideration shall be debatable for ten (10) minutes on each side, no speech thereon to exceed two (2) minutes; the Committee cannot refer matters to any other committee, except the Committee on

**Style, Drafting and Arrangement;** and a motion to postpone indefinitely or for a Call of the Convention shall not be in order. A delegate may speak more than once in the Committee of the Whole. A quorum in the Committee of the Whole shall be 72.

**Rule 39. Limitation of Debate.** Before a proposal is taken up by the Committee of the Whole, any delegate (with the Chairman of the Committee on Calendar and Agenda to have the prior right) shall be privileged to move that a limitation be placed upon the time of the debate and consideration of such proposal by the Committee of the Whole, provided that equal time is to be afforded to the proponents and the opponents of such proposal, and the Committee may fix in advance of consideration of a proposal or proposals a time for Committee to rise and report.

## CHAPTER VI

### TRANSACTION OF BUSINESS

**Rule 40. Order of Business.** The order of business of the Convention shall be as follows:

1. Call to order and preliminary matters.
2. Invocation.
3. Roll Call.

4. Report of Committee on Calendar and Agenda.

5. Reports of other standing committees.
6. Reports of select committees.
7. Communications from state officers.
8. Introduction and first reading (and reference of proposals).
9. Second and final reading of proposals.
10. Motions and resolutions.
11. Unfinished business.
12. Special orders of the day.
13. General orders of the day.

### PETITIONS

**Rule 41. Printing in Journal.** No memorial, remonstrance, or petition shall be read or printed in full in the Journal unless ordered read or printed by the affirmative vote of a majority of those present and voting.

### MOTIONS AND RESOLUTIONS

**Rule 42. Stating Motions.** When a motion is made, it shall be stated to the Convention by the president; or, if in writing, it shall be handed to the chief clerk and read aloud to the Convention before being debated.

A "motion" within this rule includes only the privileged motions listed in Rule 45 or a motion of merely procedural character, such as to take from the table, to send the sergeant-at-arms for absentees, etc. All other matters (except delegate proposals and committee recommendations) shall be presented as resolutions.

Every resolution, other than a proposal, shall be submitted in quintuplicate, shall be read by title, and shall be referred to the appropriate committee. If the rules are suspended to permit immediate consideration of a resolution, the resolution shall be read in full to the Convention before it is considered.

**Rule 43. Reduced to Writing.** Every motion shall be reduced to writing if the president or any delegate shall request it, and shall be entered upon the Journal, together with the name of the delegate making it, unless the motion is withdrawn by the maker or is ruled out of order by the president.

**Rule 44. Withdrawal of Motions.** After a motion has been stated by the president or read by the chief clerk, it shall be deemed to be in the possession of the Convention, but it may be withdrawn by the maker at any time before being amended or put to vote.

**Rule 45. Privileged Motions.** When a question is under debate, no motion shall be received but—

1. To amend the calendar and agenda.
2. To fix the time to which to adjourn.
3. To adjourn.
4. To take a recess.
5. To reconsider.
6. To call for the Orders of the Day.
7. To lay on the table.
8. For a Call of the Convention.
9. To limit debate.
10. To move the previous question.
11. To postpone to a day certain.
12. To postpone indefinitely.
13. To commit.
14. To amend.

The motions listed in this rule shall take precedence in the order in which they stand arranged. All of them shall be decided by the vote of a majority of those present and voting, except that any motion to postpone indefinitely shall be decided by the affirmative vote of a majority of all the delegates to the convention. When a recess is taken while a question is pending, consideration of such

question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, amendments to the pending proposal shall first be in order before any vote is taken on any such motion.

**Rule 46. Motions Not Debatable.** A motion to adjourn shall always be in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for a recess pending the consideration of other business and all matters relating to questions of order, shall be decided without debate.

**Rule 47. Motion to Take from the Table.** After one session day's notice any matter laid on the table may be taken therefrom on motion, provided, that the business of the class of the matter to be taken from the table would then be in order.

**Rule 48. Order of Putting Questions.** All questions shall be put in the order in which they are moved, except in the case of privileged motions.



**Rule 49. Amendment Must be Germane.** No motion or proposition relating to a subject different from that under consideration shall be admitted under color of an amendment or substitute.

**Rule 50. Amendments to Be Printed.** No amendment to any committee recommendation or delegate proposal shall be considered unless it is submitted in writing and a copy thereof delivered to the floor desk of each delegate prior to the time the amendment is offered.

**Rule 51. Division of Question.** Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule.

Whenever a question has been divided, no final vote shall taken on any division until all of the divisions thereof have been considered for amendment, after which further amendments to any division shall be in order, and thereafter each division will be put to final vote.

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### **MOTIONS CALLING FOR THE PREVIOUS QUESTION**

**Rule 52. Method of Ordering.** The method of ordering the previous question shall be as follows: Any delegate may move the previous question and, unless otherwise stated, the motion shall apply to the pending question only. The presiding officer shall put the question, "Shall the main question now be put?" This shall be ordered only by a majority of the delegates present and voting. After the seconding of a motion for the previous question and prior to the ordering of the same, a Call of the Convention may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending question or questions, except demands for the ayes and nays, points of order, appeals from the decision of the Chair, and a motion to adjourn or to take a recess, all of which shall be decided without debate. The effect of ordering the previous question shall be to put an end to all debate and bring the Convention to a direct vote upon the pending question. When a motion to reconsider has been taken under the previous question and decided in the affirmative, the fact that the previous question had been ordered shall have no operation or effect with respect to the question for which reconsideration has been ordered. If the Convention refuses to order the previous question,

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it shall resume consideration of the pending subject as though no motion for the previous question had been made.

**Rule 53. Sine Die Adjournment.** A motion to adjourn the Convention sine die shall not be voted upon until at least forty-eight hours after notice is given to the delegates; and to pass this motion requires an affirmative vote of a majority of all the delegates to the Convention.

**Rule 54. Reconsideration in Convention.**  
(a) Any question finally adopted or rejected by the Convention may be reconsidered on motion of any delegate at any time before the Convention adjourns sine die.

(b) No question may be reconsidered more than once, except if the reconsideration is moved by direction of the Committee on Style, Drafting, and Arrangement, or by the Convention committee which reported on the matter to be reconsidered, or if moved after submission of a petition signed by fifteen (15) delegates to the Convention.

(c) A motion to reconsider in Convention may not be called up until the second session day after it is moved, and shall require an affirmative vote of a majority of the delegates to the Convention.

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### PROPOSALS AND RECOMMENDATIONS

Rule 57. **Introduction.** Any suggestion, proposition or draft intended to become a part of any revised constitution, or amendment thereto or schedule to be attached thereto shall be called a delegate proposal or a committee recommendation. A proposal introduced by a delegate shall be designated a delegate proposal and a proposal submitted by a committee shall be designated a committee recommendation. A delegate proposal shall be endorsed by the delegate or delegates introducing it and a committee recommendation shall be endorsed by the chairman of the committee submitting it. Five copies of every delegate proposal or committee recommendation shall be delivered to the chief clerk who shall cause the same to be suitably numbered, printed and distributed to delegates as promptly as possible.

Rule 58. **Order of Consideration.** The prescribed order in which proposals introduced in the Convention are to be taken up or acted upon shall be as follows:

1. Introduction, first reading by title, reference to a committee by the president, and ordered printed and distributed unless otherwise ordered by a majority of the delegates present.
2. Report of the committee and placing on the General Orders.

3. Consideration by the Committee of the Whole in order of their reference.
4. Report by the Committee of the Whole and reference to the Committee on Style, Drafting, and Arrangement.
5. Report of the Committee on Style, Drafting, and Arrangement.
6. Second reading, final passage of each proposal.

7. Re-reference to the Committee on Style, Drafting, and Arrangement for incorporation in final draft.
8. Report by the Committee on Style, Drafting, and Arrangement of any complete revision of, or proposed amendment to, the Constitution.

9. Third reading and final passage of any complete revision of, or proposed amendment to, the Constitution.

Rule 59. **Majority Vote on Proposals.** On the final passage of every proposal, section, article and of any complete revision of or amendment to the Constitution, the vote shall be taken by ayes and nays and entered on the Journal and no proposal, section, article, or any such amendment or complete revision, shall be declared final passed unless a majority of all the delegates to the Convention shall have voted in favor of the passage of the same.

(d) A motion to reconsider in Convention may be laid on the table independent of the question to be reconsidered; but a motion to reconsider moved by direction of a committee or pursuant to petition of the required number of delegates as provided above shall be in order without regard to the tabling of any previous motion to reconsider.

### MOTION FOR CALLS OF THE CONVENTION

Rule 55. **Quorum Calls.** A call of the Convention may be ordered if there is an absence of a quorum.

Rule 56. **Procedure.** The roll of the Convention shall be called by the chief clerk and the absentees noted. The sergeant at arms may, upon motion, be dispatched after the absentees. In such case, a list of the absentees shall be furnished by the chief clerk to the sergeant at arms, who shall bring such absentees to the floor of the Convention with all possible speed. In case the sergeant at arms shall require assistance in addition to the regularly appointed assistant sergeant at arms of the Convention, the president, upon motion, may depute as a special assistant sergeant at arms any person properly qualified. The Convention may proceed to business under a Call of the Convention pending the arrival of any absentees.

**Rule 60. Calendar.** The Committee on Calendar and Agenda of the Convention shall prepare a calendar and order of business for each session of the Convention. The calendar shall be furnished to the chief clerk, who shall distribute it to the delegates before the time set for the next session of the Convention. The Convention, at any time or from time to time during a session, may, by the affirmative vote of a majority of those present and voting, adopt, reject, or modify the daily calendar and agenda presented to it.

#### SPECIAL ORDERS

**Rule 61. Unfinished Special Orders.** Any subject matter which has been made a special order for a particular day, but which is not reached on that day, shall then come up for consideration under the order of "Unfinished Business" at the next succeeding session of the Convention.

#### CHAPTER VII

#### MISCELLANEOUS

#### READING AND ENDORSEMENT

#### OF PAPERS

**Rule 62. Reading.** When the reading of a paper, including the Journal, is called for and an objection is raised to such reading, the Convention by a majority vote of delegates

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present and voting shall determine without debate whether or not the paper shall be read.

**Rule 63. Presentation and Endorsement of Petitions.** Petitions received by an officer of the Convention or by any delegate may be initiated by the recipient, and handed directly to the chairman or clerk of the committee which has the subject matter of the petition under consideration. The chairman of the committee, on behalf of the Convention, shall give appropriate notice of the receipt of the petition.

**Rule 64. Calls of Convention—Ayes and Nays.** Upon Calls of the Convention, and in taking the ayes and nays upon any question, the names of the delegates shall be called alphabetically.

**Rule 65. Putting the Question.** The president shall put all questions substantially in this form: "As many as are in favor of (as the question may be) say 'aye'"; and after the affirmative vote is expressed, "as many as are opposed say 'no'". If the president is in doubt as to the vote, he may order a roll call vote of the Convention.

A roll call vote of the Convention may be had upon the demand of ten delegates.

**Rule 66. Recognition during Roll Call.** After a question has been stated by the presi-

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dent, and the call of the roll has been started by the chief clerk, the president shall not recognize a delegate for any purpose except upon points of order, until after the announcement of the vote by the chief clerk. The chief clerk shall enter upon the Journal the names of those voting "aye" and the names of those voting "no".

**Rule 67. Roll Call.** At the roll call to be taken at the opening of each session and upon Calls of the Convention, the names of the members shall be called by the chief clerk, and the absentees noted.

**Rule 68. Amendment or Suspension of Rules.** These rules may be amended by the affirmative vote of a majority of all the delegates to the Convention after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules, Credentials and Convention Budget, and has been in the possession of the delegates not less than two session days prior to its consideration. A rule may be suspended by the affirmative vote of a majority of all the delegates to the Convention.

#### APPEALS

**Rule 69. Form of Question.** On all appeals from decisions of the Chair, the question shall be "Shall the appeal be sustained?" A favorable vote of a majority of the delegates

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**CHAPTER VIII  
LOBBYISTS**

**Rule 73. Registration and Regulation.** The Convention, by resolution adopted by a majority of all the delegates, shall have authority to issue rules or regulations with respect to the registration and appearance before it, or before any of its authorized committees or subcommittees, of any person engaged or hired, for a fee, salary or other compensation, to promote, advocate, influence or oppose any matter pending before the Convention, or which might come before it or any of its committees or subcommittees. Such rules and regulations may include requirements that such persons shall register with the secretary and file such report of expenditures as may be required by such rules and regulations.

**CHAPTER IX  
COMPENSATION OF DELEGATES**

**Rule 74. Expense Allowance.** An expense allowance of twenty-five dollars (\$25.00) per day shall be allowed to each delegate for each working day in attendance at the Convention on or after September 12, 1967. For purposes of this allowance, a delegate shall be considered to be in attendance at a working day of the Convention if present at any session of the Convention or any meeting of any

After affording the delegates, sufficient time in which to vote, the presiding officer shall announce: "Have all voted?" and after a short pause he shall then say: "Does any delegate desire to change his vote?" and after another short pause he shall say: "The chief clerk shall proceed to record the vote."

The chief clerk shall immediately start the vote recording equipment, and when completely recorded, the president shall announce the result to the Convention. The chief clerk shall enter upon the Journal the result in the manner provided by the rules of the Convention.

Any delegate shall be privileged to vote or change his vote after the vote recording equipment has started to operate, and prior to the time the chief clerk has recorded the vote.

No delegate shall vote for another delegate, nor shall any person not a delegate cast a vote for any delegate. Any delegate who shall vote or attempt to vote for another delegate may be punished in such manner as the Convention may determine. If a person not a delegate shall vote or attempt to vote for any delegate, he shall be barred from the floor of the Convention for the remainder of the session and may be further punished in such manner as the Convention may determine proper.

present and voting shall sustain the appeal. The presiding officer may cast his vote on an appeal from his decision, and he shall have the right to explain his decision.

**Rule 70. Tabling Appeals.** An appeal may be laid on the table but shall not, as a consequence, thereby either remove or carry with it the subject matter pending before the Convention at the time the appeal was taken.

**Rule 71. Practice.** In all cases not covered by these rules, or by any subsequent amendments to them, the controlling parliamentary authority shall be **Robert's Rules of Order Revised** (1951 Edition).

**METHOD OF VOTING**

**Rule 72. Voting by the Electrical Roll Call System.** When taking the ayes and nays on any question to be voted upon, the electrical roll call system may be used, and when so used shall have the same force and effect as a roll call taken as otherwise provided in these rules.

When the Convention is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the presiding officer shall announce: "The question is on the passage of (designating the matter) to be voted upon). All in favor of such question shall vote 'aye', all opposed shall vote 'nay'. The Convention will now proceed to vote".



authorized committee or subcommittee of the Convention on that day.

**Rule 75. Salary.** A flat salary of two thousand dollars (\$2000.00) shall be allowed to each delegate to the Convention with a deduction of fifteen dollars (\$15.00) for each day of unexcused absence from sessions of the Convention or meetings of authorized committees or subcommittees thereof. For the purpose of this deduction, a delegate shall not be considered to have incurred an unexcused absence on any day that the delegate is in attendance at any session of the Convention or meeting of any authorized committee or subcommittee thereof.

**Rule 76. Excused Absences.** A delegate shall be excused by the President from attendance at sessions of the Convention or meetings of any authorized committee or subcommittee thereof due to illness, death in the immediate family or other reason beyond the control of the delegate and the excused absence shall be entered upon the minutes.

**Rule 77. [Filling of Vacancies.]** (a) Upon the announcement to the Convention of the resignation or death of a delegate, the President shall, at the next session day following such announcement, appoint a Select Committee, as hereinafter set forth, to nominate to the Convention by a majority vote of the Select Committee not more than three per-

sons qualified in accordance with Section 7, Chapter 4, 1967, to fill such vacancy, along with a concise written statement of the abilities and experience of each of the persons whose names are so reported.

(b) On the third session day after the report to the Convention of the Select Committee shall have been received, if only one person shall have been nominated by the Select Committee, the question shall be put on the confirmation of the person so nominated. In the event the nomination is not approved by the Convention, the Convention shall proceed as set forth in 77 (d). In event more than one person is nominated by the Select Committee, an election shall be held by the Convention to select from among the persons nominated by the Select Committee, a person to fill the vacancy. The person receiving a majority of the votes cast shall be declared elected. If no person shall receive a majority of the votes cast, a second election shall be held on the same session day between the two persons receiving the highest number of votes in the first election, and the person receiving the majority of the votes cast at the second election shall be declared elected.

(c) The Select Committee shall consist of not less than three persons except as hereinafter provided, and shall include all the remaining delegates of the county or legisla-

tive district of the delegate whose death or resignation created the vacancy in the Convention. In event of only two delegates remaining, the First Vice-President shall be a member of the Select Committee. In event of only one delegate remaining, the First Vice-President and the Second Vice-President shall be members of the Select Committee. In event of no delegates remaining, the First Vice-President and the Second Vice-President shall be the Select Committee.

(d) In the event the Select Committee shall fail to report to the Convention on or before ten session days after the appointment of the Select Committee, persons qualified to fill such vacancy may be nominated from the floor. The names of the person or persons so nominated shall be referred to the Committee on Rules, Credentials and Convention Budget. Upon report by the Committee on Rules, Credentials and Convention Budget that the person or persons nominated are qualified in accordance with Section 7, Chapter 4, 1967, to fill the vacancy, the Convention shall proceed in the same manner as if the person or persons had been nominated by a Select Committee.

## APPENDIX A

### REGULATIONS WITH RESPECT TO THE REGISTRATION AND APPEARANCE OF LOBBYISTS BEFORE CONVENTION OR ANY OF ITS AUTHORIZED COMMITTEES OR SUBCOMMITTEES

#### ADOPTED AND EFFECTIVE

SEPTEMBER 22, 1967

##### 1. Persons Covered.

(a) When used in this regulation the term "agent" includes: Every person engaged or hired by any person, firm, corporation, association, political sub-division or agency of the State of Maryland or of any political sub-division, for a fee, salary or other compensation, including persons engaged or hired for an additional purpose, to promote, advocate, influence or oppose, directly or indirectly, any matter pending before or proposed to be considered by the Convention, the Committee of the Whole, or any committee or subcommittee of the Convention; and

(b) When used in this regulation the term "representative witness" includes: Every person who, without fee, salary or other compensation other than reimbursement for expenses, as representative of any other person or of any firm, corporation, association, political sub-division or agency of the State of Maryland or of any political sub-division,

appears before the Convention, the Committee of the Whole, or any committee or subcommittee of the Convention to promote, advocate, influence or oppose, directly or indirectly, any matter pending before or proposed to be considered by the Convention, the Committee of the Whole, or any committee or subcommittee of the Convention.

When used in this regulation the terms "agent" and "representative witness" do not include an officer, elected or appointed official or regular employee of the State of Maryland or of any political sub-division of the State of Maryland who in the performance of his customary and regular duties as such officer, employee or elected or appointed official appears before the Convention, the Committee of the Whole or any committee or subcommittee of the Convention.

2. Time of Registration. No agent or representative witness will be permitted to appear before the Convention, the Committee of the Whole, or any committee or subcommittee of the Convention unless he shall be properly registered on the dockets for the registration of agents and representative witnesses which shall be maintained by the secretary of the Convention. Before any agent shall undertake to promote, advocate, influence or oppose, directly or indirectly, any matter by communicating with any delegate, officer or member of the staff of the Conven-

tion, the agent shall be properly registered on the docket for the registration of agents. If the office of the secretary of the Convention is not available to accept the registration of an agent before the agent communicates with any delegate, officer or member of the staff of the Convention, the agent shall register with the secretary of the Convention as soon as possible, and in any event within three (3) calendar days after the agent communicates with any delegate, officer or member of the staff of the Convention.

3. Registration and Confirmation. An agent or a representative witness shall register by appearing personally at the office of the secretary of the Convention or by a written and signed statement addressed to the secretary of the Convention at Annapolis. To register, the agent or representative witness shall state his name, occupation, business and residence addresses, the name and business and residence addresses of the person, firm, corporation, association, political sub-division or agency of the State of Maryland or of any political sub-division, by whom he has been engaged or hired or whom he represents, and the matter, proposal or area of interest with which he is concerned. If the representative witness has not been engaged or hired for any fee, salary or other compensation other than reimbursement for expenses, he shall so state.

Within ten (10) days after an agent or representative witness has registered, the agent or representative witness shall file with the secretary of the Convention a written and signed confirmation by the person, firm, corporation, association, political sub-division or agency of the State of Maryland or of any political sub-division by whom he has been hired or engaged or whom he represents which shall confirm the information stated by the agent or representative witness to the secretary of the convention upon registration and which shall be signed by a principal officer of the firm, corporation, association, political sub-division or agency of the State of Maryland or of any political sub-division.

**4. Failure to Comply.** An agent or representative witness who fails to comply with the provisions of this regulation may by a majority vote of the Convention upon recommendation of the Committee on Rules, Credentials and Convention Budget be prohibited from appearing before the Convention, the Committee of the Whole, or any committee or subcommittee of the Convention for a limited time or until the Convention adjourns sine die. The Committee on Rules, Credentials and Convention Budget before it recommends to the Convention that an agent or representative witness be temporarily or permanently prohibited from appearing shall notify the agent in writing by certified mail of the

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reasons for such recommendation and shall afford the agent or representative witness an opportunity to appear before the Committee on Rules, Credentials and Convention Budget at a date and time which shall be not less than ten (10) calendar days after receipt by the agent or representative witness of the written notice of the reasons for the Committee's recommendation.

**5. Reports.** Every registered agent or representative witness shall between the first and the tenth calendar day of each month while the Convention is in session file with the secretary of the Convention and shall within thirty (30) calendar days after the Convention adjourns sine die file with the Secretary of State a complete and itemized cumulative statement of all receipts and disbursements, including reimbursed expenses, received or disbursed by him to promote, advocate, influence or oppose, directly or indirectly, any matter pending before or proposed to be considered by the Convention, the Committee of the Whole or any committee or subcommittee of the Convention.

An agent who has been engaged or hired for an additional purpose by the person, firm, corporation, association, political sub-division or agency of the State of Maryland or of any political sub-division, for whom he acts as agent shall report among his receipts that part of his fee, salary or other

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compensation reasonably allocable for the performance of his duties as agent and shall state the basis for the allocation.

The itemization of disbursements shall include, at least the following: Travel and transportation, meals, lodging, entertainment in excess of Ten Dollars (\$10.00) for each item, secretarial services, printing and publication and office expenses.

**6. Public Records.** The registration of agents and representative witnesses with the secretary of the Convention and the statements of receipts and disbursements filed by them with the secretary of the Convention and the Secretary of State shall be available for public inspection. The secretary of the Convention shall give every delegate written notice of the registration of agents and representative witnesses as promptly as possible.

**7. Contingent Compensation.** No person, firm, corporation, association, political sub-division or agency of the State of Maryland or of any political sub-division shall engage or hire any person to promote, advocate, influence or oppose, directly or indirectly, any matter pending before or proposed to be considered by the Convention, the Committee of the Whole or any committee or subcommittee of the Convention, for a fee, salary or other compensation that is determined in

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whole or in part with reference to the result accomplished and no person shall accept any such employment or render any such service for a fee, salary or other compensation that is determined in whole or in part with reference to the result accomplished.

8. **Exemption.** The provisions of this regulation shall not be construed as affecting professional services in drafting a proposed constitutional amendment, or in advising clients or in rendering opinions as to the construction and effect of any constitutional amendment which may be considered at the Convention where such professional service is not otherwise connected with constitutional convention action or services as an agent or as a representative witness.

## APPENDIX B

ADOPTED OCTOBER 30, 1967

### TITLE

A RESOLUTION that each delegate shall have only one (1) vote on only one (1) substantive committee and matters generally relating thereto, to read as follows:

RESOLVED, that each delegate shall have only one (1) vote on only one (1) substantive committee; and be it further

RESOLVED, That the three (3) delegates presently voting on more than one (1) substantive committee shall continue to be liaison members to other substantive committees but shall not be a voting member except on the one substantive committee to which they are assigned to exercise their vote.

CHAPTER VI

NEW JERSEY CONSTITUTIONAL CONVENTION

1947

CONVENTION RULES

OFFICIAL RULES  
of the  
CONSTITUTIONAL CONVENTION

of the  
STATE OF NEW JERSEY

1947

THE PRESIDENT AND VICE-PRESIDENTS

Rule 1. The President shall take the chair each day at the hour to which the Convention shall have adjourned. He shall call the Convention to order, and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

Rule 2. He shall possess the powers and perform the duties herein precribed, viz.:

(a) He shall preserve order and decorum, and, in debate, shall prevent personal reflections, and confine members to the question under discussion. When 2 or more members arise at the same time, he shall name the one entitled to the floor.

(b) He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no member shall speak more than once.

(c) He shall appoint all committees, except where the Convention shall otherwise order.

(d) He may substitute any member to perform the duties of the chair while he is present, but for no longer period than that day, except by special consent of the Convention.

(e) When the Convention shall be ready to go into Committee of the Whole, he shall name a Chairman to preside therein.

(f) When necessary or required, he shall, with the Secretary, certify all official acts and all vouchers for payment of expenditures of the Convention with the date thereof.

(g) He shall designate and assign to seats or authorize the designation and seating of the persons who shall act as reporters for the public press within the Convention Hall. Such reporters, so appointed, shall be entitled to such seats and shall have the right to pass to and fro from such seats in entering or leaving the Chamber. No such reporter shall appear before any committee in advocacy of, or in opposition to, anything under consideration before such committee. A violation



of this rule will be sufficient cause for the removal of such reporter. Power of removal for this cause shall be vested in the President.

(h) He shall be a consulting member without vote in the several committees to which he is not specifically appointed.

(i) He shall declare the vote and announce the result according to the fact on all questions and divisions.

(j) He shall not engage in any debate, or propose his opinion on any question, except the assigning of his reasons for his decision on appeal therefrom, without first calling some delegate to occupy the chair.

Rule 3. In the event of a vacancy in the office of President, by death, resignation or otherwise, the Convention shall, by vote of not less than 41 of the delegates, elect a President to fill such vacancy.

In the temporary absence of the President, or in event of his temporary inability to preside, his duties shall devolve upon the First Vice-President, or if he also be absent, upon the Second Vice-President. For the purpose of this rule, the terms "temporary absence" and "temporary inability" shall mean an absence or inability not to exceed 5 consecutive Convention days.

In the event of the continued absence or inability of the President to preside for more than 5 consecutive Convention days the Convention shall, by the affirmative vote of at least 41 delegates, elect an acting President who shall have the same power and enjoy the same privileges as the President and who shall serve as President only during the absence or inability to preside on the part of the President.

Rule 4. In the event of a vacancy in the office of either Vice-President by death, resignation or otherwise, the Convention shall, by the vote of at least 41 delegates, elect a new Vice-President.

In the temporary absence of both Vice-Presidents, or in the event of the temporary inability on the part of both Vice-Presidents to discharge the duties of their offices, the Convention shall have the power to designate and appoint some other delegate to discharge the duties of the office during such temporary absence, or temporary inability.

#### SECRETARY

Rule 5. The Secretary shall keep a journal of the proceedings of the Convention and, under the direction of the President, shall prepare and place on the desk of the President each day a calendar of the business of the Convention, as provided by these rules.

Rule 6. The Secretary shall prepare for printing all proposals and other documents which are required to be printed under these rules under the direction of the Committee on Printing and Authentication of Documents and shall see to it that they are properly and correctly printed.

Rule 7. The Secretary shall give to every proposal for revision, alteration or reformation of subject matter of the present Constitution, when introduced, a number and the numbers shall be in numerical order. When a Committee proposal is reported from a Committee, he shall give it a number, in separate series for each committee, which shall be known as the Committee proposal number. He shall keep the several proposals on file in order by their numbers, unless otherwise ordered by the Convention.

Rule 8. He shall preserve all proposals, reports of Committees and all other records, books, documents and papers of the Convention and after the adjournment of the Convention shall deliver them to the Bureau of Archives and History in the State Department of Education or shall make such other disposal of them as the Convention shall direct.

Rule 9. When necessary or required, he shall, with the President, certify all official acts and all vouchers for payment of expenditures of the Convention with the date thereof, and he shall perform such other duties as are required of him by these rules and as from time to time shall be required of him by the Convention.

Rule 10. One copy of the final draft of any material or proposal presented to or prepared by the Convention, or any committee thereof, shall be retained by the Secretary and delivered by him to the Bureau of Archives and History in the State Department of Education. The Secretary shall also retain and deliver to the Bureau of Archives and History a copy of any other material or proposal presented to or prepared by the Convention, or any committee thereof, where such a copy is available.

#### QUORUM AND MAJORITY

Rule 11. The presence of at least 41 delegates shall be necessary to constitute a quorum of the Convention but a lesser number may meet and adjourn the Convention from day to day when necessary.

Rule 12. A majority of delegates present, a quorum being present, shall be sufficient for the adoption of any motion or resolution or the taking of any action except where the affirmative vote of a greater number shall be required by law or by these rules.



## STANDING COMMITTEES

Rule 13. The Standing Committees of the Convention shall be 9 in number. They shall be appointed by the President unless the Convention shall otherwise order.

The person first named shall be the Chairman, and the person next named shall be the Vice-Chairman, of the Committee.

Rule 14. The Standing Committees of the Convention shall be as follows:

### GENERAL STANDING COMMITTEES

Committee on Rights, Privileges, Amendments and Miscellaneous Provisions, consisting of 11 members.

Committee on the Legislative, consisting of 11 members.

Committee on the Executive, Militia and Civil Officers, consisting of 11 members.

Committee on the Judiciary, consisting of 11 members.

Committee on Taxation and Finance, consisting of 11 members.

Committee on Arrangement and Form, consisting of 7 members.

Committee on Submission and Address to the People, consisting of 7 members.

### ADMINISTRATIVE STANDING COMMITTEES

Committee on Rules, Organization and Business Affairs, consisting of 7 members.

Committee on Credentials, Printing and Authentication of Documents, consisting of 7 members.

Rule 15. The following General Standing Committees shall consider and report upon the following, that is to say:

Committee on Rights, Privileges, Amendments and Miscellaneous Provisions - The subject matter of the Preamble, Article I, Rights and Privileges, except paragraphs 19 and 20, Article II, Right of Suffrage, Article III,

Distribution of the Powers of Government, Article VIII, General Provisions, and Article IX, Amendments, of the present New Jersey Constitution, and all proposals embracing subject matter which does not fall within the proper consideration of any other General Standing Committee, including all provisions of the Proposed Schedule relating thereto.

Committee on the Legislative - The subject matter of Article IV, Legislative, except Section VI, paragraphs 2, 3, and 4 and Section VII, paragraphs 6, 10 and 12, of the present New Jersey Constitution, including all provisions of the Proposed Schedule relating thereto.

Committee on the Executive, Militia and Civil Officers - The subject matter of Article V, Executive, Article VII, Appointing Power and Tenure of Office, excepting Section II, paragraph 1, paragraph (2), paragraph 3 so far as it relates to the clerk of the Supreme Court and the clerk of the Court of Chancery, paragraph 4 and paragraph 7, of the present New Jersey Constitution, including all provisions of the Proposed Schedule relating thereto.

Committee on the Judiciary - The subject matter of Article VI, Judiciary, and of Article IV, Legislative, Section VII, paragraph 10, and of Article VII, Appointing Power and Tenure of Office, Section II, paragraph 1, paragraph (2), paragraph 3 so far as it relates to the clerk of the Supreme Court and the clerk of the Court of Chancery, paragraph 4 and paragraph 7, of the present New Jersey Constitution, including all provisions of the Proposed Schedule relating thereto.

Committee on Taxation and Finance - The subject matter of Article I, Rights and Privileges, paragraphs 19 and 20, Article IV, Legislative, Section VI, paragraphs 2, 3, and 4 and Section VII, paragraphs 6 and 12, of the present New Jersey Constitution, including all provisions of the Proposed Schedule relating thereto.

Rule 16. The Committee on Arrangement and Form shall examine and correct the proposals which are referred to it for the purpose of avoiding inaccuracies, repetitions and inconsistencies and shall arrange the same in the proper order in the proposed new Constitution or the part or parts thereof to be submitted and shall report thereon to the Convention, but the Committee shall have no authority to change the sense or purpose of any proposal referred to it and if any 5 delegates shall object to any report of said Committee on the ground that said report has changed the sense or purpose of any such proposal, the proposal shall be referred to a Special Committee on Arrangement and Form consisting of 10 delegates included in which shall be not less than 3 of the 5 delegates objecting to said report.

Rule 17. The Committee on Submission and Address to the People shall consider and make recommendations to the Convention as to the matters and things provided by these rules to be referred to it and as to such other matters and things as may be referred to it by order of the Convention.

Rule 18. The Committee on Rules, Organization and Business Affairs shall, subject to the directions of the Convention:

(a) Consider and report upon such changes in the rules of the Convention and changes in its organization as shall be referred to it by the Convention from time to time;

(b) Be in charge of the business affairs of the Convention, the checking and auditing of its expenditures, the supervision and control of the Convention Hall and other quarters available to the Convention, the supervision and control of the employees of the Convention, the contracting for and the purchase of such furniture, equipment, supplies and services as the Convention may require and the provision for the proper distribution of the same, and shall make rules and regulations in connection therewith;

(c) Examine and certify to the President and Secretary the correctness of all bills rendered to the Convention;

(d) Perform such other duties as the Convention may, from time to time, direct, and report to the Convention, from time to time, as it may deem desirable or as the Convention may require, as to the performance of its duties.

Rule 19. The Committee on Credentials, Printing and Authentication of Documents shall supervise the preparation for printing and the printing of all proposals, Committee proposals, reports and other documents, with their amendments, ordered to be printed by the Convention, and shall ascertain that they are accurately and correctly printed. The Committee shall, subject to the approval of the Committee on Rules, Organization and Business Affairs of the Convention, contract for all printing for the Convention and supervise the carrying out of any contract so made and certify to the Committee on Rules, Organization and Business Affairs the correctness of all bills rendered for printing.

Rule 20. All resolutions for the printing of an extra number of documents shall be referred, as of course, to the Committee on Credentials, Printing and Authentication of Documents, for its report thereon before final action by the Convention.

Rule 21. All resolutions authorizing or contemplating the expenditure of money shall be referred to the Committee on Rules, Organization and Business Affairs, for its report thereon before final action by the Convention.

Rule 22. No Committee shall sit during the sessions of the Convention without special leave.

Rule 23. The report of a minority of any Committee shall be received and printed and on motion of any delegate, the Convention, by an affirmative vote of at least 41 delegates, may substitute such minority report and any proposal submitted therewith for the majority report and for any proposal submitted therewith. In the event any Committee is evenly divided on any matter pending before it, the Chairman shall refer such matter back to the Convention without recommendations.

Rule 24. Public hearings before each of the General Standing Committees addressed to the subject matter, lying within its consideration in accordance with these rules or referred to it, shall be held as and when ordered by the Convention, by general or special order, and according to uniform rules to be made by the Committee on Rules, Organization and Business Affairs governing the notice to be given to the public of such hearings, and the method of conducting the same.

#### COMMITTEE OF THE WHOLE

Rule 25. The Convention may upon motion resolve itself into a Committee of the Whole for consideration of proposals for the revision, alteration or reformation of the subject matter of the present Constitution. In forming the Committee of the Whole, the President of the Convention shall appoint a chairman to preside.

Rule 26. Before a proposal shall be considered by the Committee of the Whole, any delegate (the chairman of the General Standing Committee in charge of the proposal having prior right) shall be privileged to move a limitation upon the time of debate and consideration by the Committee, and the Convention may fix in advance of consideration, a time for the Committee to rise and report.

Rule 27. Upon a proposal being submitted to the Committee of the Whole, the same shall be read by the Secretary and then read and debated as may be determined by the Committee. All amendments made to reports, resolutions and other matters submitted to the Committee of the Whole shall be noted and reported. After the report by the Committee of the Whole the proposal shall be subject to be debated and amended on the floor of the Convention.

Rule 28. The rules of the Convention shall be observed in the Committee of the Whole so far as they are applicable. Where there are no provisions, the proceedings shall be controlled by Cushing's Manual of Parliamentary Practice.

Rule 29. Forty-one delegates shall be a quorum for the Committee of the Whole to do business; and if the Committee finds itself without a quorum, the Chairman shall cause the roll of the Convention to be called and thereupon the Committee shall rise, the President resume the chair and the Chairman report to the Convention the cause of the rising of the Committee.

Rule 30. A motion for the rising of the Committee of the Whole shall always be in order unless a member of the Committee is speaking or a vote is being taken, and shall be decided without debate.

ORDER OF BUSINESS, MOTIONS, DECORUM AND DEBATE

Rule 31. At meetings of the Convention the order of business shall be as follows (except at times set apart for the consideration of special orders):

1. Calling Convention to order.
2. Prayer.
3. Reading of Journal.
4. Roll Call.
5. Presentation of petitions, memorials and remonstrances.
6. Reports of standing committees.
7. Reports of select committees.
8. Introduction and first reading of proposals.
9. Reference of proposals.
10. Motions and resolutions.
11. Unfinished business.
12. Special orders of the day.
13. General orders of the day.

Rule 32. Consideration of the general orders of the day shall be in the following order:

1. Consideration by Committee of the Whole.
2. Reports of the Committee of the Whole.
3. Committee Reports and Proposals reported from Committees.
4. Second reading and action on reports of the Committee on Arrangement and Form, as to arrangement and phraseology only.
5. Third reading and agreement.

If the matter is not considered in its order, it shall lose its precedence for the day, but shall appear on the calendar on the following day in its regular order. Any matter may be made a special order of business for any particular day or time by a majority vote of the delegates present.

Rule 33. Any subject matter having been made the special order for a particular day, and not having been reached on that day, shall be upon the order of "Unfinished Business" on the next succeeding Convention day.

Rule 34. Upon calls of the Convention, the names of the delegates shall be called alphabetically.

In case of the absence of delegates, the delegates present shall take such measures as they shall deem necessary to secure the presence of absentees.

Any delegate requesting to be excused from voting may make, when his name is called, a brief statement of the reasons for making such request, not exceeding three minutes in time, and the Convention, without debate, shall



decide if it will grant such request; or any delegate may explain his vote, for not exceeding three minutes; but nothing in this rule shall abridge the right of any delegate to record his vote on any question previous to the announcement of the result.

Rule 35. After a question has been stated by the President, and the calling of the roll has begun by the Secretary, the President shall not recognize a delegate for any purpose whatever until the call shall have been completed.

Rule 36. The vote upon any question shall be taken by the yeas and nays and entered upon the journal of the Convention, on motion made and seconded before the question is put and upon the request of at least 5 delegates.

Rule 37. The rules of Parliamentary Practice comprised in Cushing's Manual of Parliamentary Practice shall govern in all cases in which they are not inconsistent with the standing rules and orders of the Convention.

Rule 38. Any rule of the Convention may be suspended or repealed, altered or amended by a vote of at least 41 delegates and any amendments offered shall lie on the table one day before being voted upon.

Rule 39. When a motion is made it shall be stated by the President, or being in writing, it shall be handed to the Secretary and read aloud by him before being debated.

Rule 40. Every motion shall be reduced to writing if the President or any delegate shall request it and shall be entered upon the Journal, together with the name of the delegate making it, unless withdrawn or ruled out of order by the President before discussion.

Rule 41. After a motion has been stated by the President, or read by the Secretary and seconded by a delegate, it shall be deemed to be in the possession of the Convention, but may be withdrawn at any time before decision or amendment.

Rule 42. When a question is under consideration by the Convention only the following motions shall be received; which motions shall have precedence in the order stated, viz.:

Motions to, or for:

- |                            |  |
|----------------------------|--|
| 1. Adjourn.                | } Not amendable<br>or debatable<br>except as<br>hereinafter<br>provided. |
| 2. Recess.                 |  |
| 3. Call of the Convention. |  |
| 4. Lay on the table.       |  |
| 5. Previous question.      |  |

6. Postpone indefinitely. Not amendable, but debatable.
7. Postpone to a certain time. Debatable and amendable.
8. Go into Committee of the Whole. Debatable and amendable.
9. Commit (or recommit) to Committee of the Whole. Debatable and amendable.
10. Commit (or recommit) to a standing committee. Debatable and amendable.
11. Commit (or recommit) to a select committee. Debatable and amendable.
12. Close debate at a specified time. Not debatable, but amendable.
13. Amend. Debatable and amendable.

(Numbers 7 to 12, both inclusive, preclude debate on Main Question).

The motion to adjourn, to take a recess, and to adjourn for a longer period than one day, shall always be in order, and the last motion shall be amendable and debatable.

Calls for information, for reading a paper, for division of a divisible question, for division of the house, for the yeas and nays, and a motion for reconsideration shall always be in order, but shall not be amendable or debatable.

An appeal from the decision of the chair may be taken at any stage of the proceedings.

Rule 43. The previous question shall be put in this form, "Shall the main question be now put?" It shall be admitted when demanded by a majority of the delegates present, a quorum being present, and its effects shall be, if decided affirmatively, to put an end to all debate and bring the Convention to a direct vote upon pending amendments, if any, to the main question, and then upon the main question, but if decided in the negative, to leave the main question and amendments, if any, under debate for the remainder of the sitting, unless sooner disposed of by taking the question, or in some other manner. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Rule 44. A motion to reconsider any vote must be made before the end of the 2nd convention day after the day on which the vote proposed to be reconsidered was taken, and by a delegate who voted in the majority and the same majority shall be required to adopt a motion to reconsider as was required to take the action to be reconsidered. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon either of the following motions:

- To adjourn.
- To lay on the table.
- To take from the table; or
- For the Previous Question.

Rule 45. Any delegate may call for the division of a question which is in its nature divisible. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall neither preclude amendment nor a motion to strike out and insert.

Rule 46. No delegate shall speak more than twice on 1 question, or longer than 15 minutes the first, or longer than 5 minutes the second time, or more than once until other delegates who have not spoken shall speak if they so desire, without first obtaining leave of the Convention; and the mover of the proposition shall have the right to close the debate, provided that the person in charge of a proposal on third reading and final agreement shall have the right, if he desires, to close the debate and he may announce such desire at any time before the taking of the vote on the question.

Rule 47. No delegate rising to debate, to give a notice, make a motion, or present a paper of any kind, shall proceed until he shall have addressed the President and been recognized by him as entitled to the floor.

Rule 48. While the President is putting a question or a count is being had no delegate shall speak or leave his place; and while a member is speaking no delegate shall entertain any private discourse or pass between him and the chair.

Rule 49. When a motion to adjourn, or for recess, shall be carried, no delegate or officer shall leave his place until the adjournment or recess shall be declared by the President.

Rule 50. Any delegate may at any time rise and speak to a question of personal privilege. No delegate speaking to a question of personal privilege shall be subject to any rule of the Convention limiting the time a delegate may speak.

#### PROPOSALS, SUBMISSION AND ADDRESS TO THE PEOPLE

Rule 51. No proposal for revision, alteration or reformation of the present Constitution which does not comply with the Convention's instructions as voted by the people shall be introduced in, reported by any Committee to, or agreed upon by, the Convention.

Rule 52. Each proposal shall receive 3 separate readings in the Convention previous to being agreed upon, but no proposal shall be read twice on the same day or be considered on third reading until after at least 48



hours notice, of the day upon which it is to be so considered, has been given by mail to each delegate or by announcement made in open session of the Convention.

All proposals may be read by their titles but no proposal shall be read the third time by its title unless copies thereof have been distributed and are on the delegates' desks before such reading. No amendment shall be received to any proposal on its third reading unless by unanimous consent of the delegates present.

All proposals shall, after the first reading, be printed for the use of the members. Printed copies of proposals shall be used on their second and third readings.

Rule 53. The regular order to be taken by proposals, introduced in the Convention and Committee Proposals reported to the Convention shall be as follows:

(a) Introduction, first reading, and printing of 300 copies of each proposal.

(b) Reference to a General Standing Committee by the President.

(c) Report by Committee of a Report and Committee Proposal, and printing of 500 copies thereof.

Four Convention days after the filing of said Report, the Report shall be placed on the general orders.

(d) Second Reading: Consideration by the Convention and action on amendments offered by delegates to the Convention.

If consideration in the Committee of the Whole is moved and adopted, then such Committee, after consideration, shall make its Report to the Convention, which Report shall be disposed of before amendments are offered by delegates to the Convention.

(e) Reference to the Committee on Arrangement and Form for report within 3 Convention days.

(f) Report of the Committee on Arrangement and Form, and printing of 500 copies.

(g) Action on Report of Committee on Arrangement and Form; consideration and action on amendments as to arrangement and phraseology only, offered by delegates to the Convention; action on the Report as amended and printing of 500 copies.

(h) Third reading and agreement, without amendment.

(i) Reference to Committee on Submission and Address to the People as to manner of submission to the people.

(j) Report of Committee on Submission and Address to the People as to manner of submission.

(k) Action on Report of Committee on Submission and Address to the People as to manner of submission only.

(l) Reference to the Committee on Arrangement and Form for arrangement of Sections and Article or Articles and for form.

(m) Report of Committee on Arrangement and Form as to arrangement of Sections and Article or Articles and printing of 500 copies.

(n) Agreement upon manner of submission without amendment and printing of 500 copies.

Rule 54. A proposal revising, altering or reforming the present Constitution or any part thereof in any manner shall be introduced by one or more delegates or by a Committee of the Convention or reported to the Convention by a General Standing Committee as a Committee proposal.

Rule 55. Each proposal shall be in quadruplicate, shall be typewritten with 1 original copy and 3 carbon copies thereof, or printed, shall be endorsed on the back with the caption and the signature of all delegates or of the Chairman of the General Standing Committee introducing or reporting it.

Rule 56. The caption of each proposal shall be  
"Constitutional Convention of New Jersey of 1947  
Proposal  
Introduced by .....  
(Name of delegate or Chairman of  
Committee)"

Rule 57. Each proposal shall contain a short title stating concisely the general nature of its subject matter and it shall be indicated there in the Article, Section and paragraph of the present Constitution intended to be revised, altered or reformed thereby. If any proposal is intended to revise, alter or reform the present Constitution by the addition of any Article, Section or paragraph, the title shall state the place in the present Constitution at which the new Article, Section or paragraph logically belongs.

Rule 58. Each proposal shall be in the form of a resolution as follows:

"RESOLVED, that the following be agreed upon as part of the proposed new State Constitution."

Rule 59. Each proposal introduced shall be presented in quadruplicate to the Secretary for introduction. The Secretary shall number all proposals as they are presented and make a list of them. At each Session of the Convention the Secretary shall read the number and title of each proposal so presented to him for introduction after the last session of the Convention, which shall be taken as the first reading of the proposal and as the ordering thereof to a second reading, and the President shall thereupon refer it to a General Standing Committee.

Rule 60. It shall be the duty of the President to consider each proposal for revision, alteration or reformation of the subject matter of the present New Jersey Constitution, introduced in the Convention or submitted to the Convention and to refer it to the General Standing Committee whose duty it is under these rules to consider proposals dealing with the subject matter therein dealt with, and where a proposal embraces subject matter which falls within the proper consideration of several committees, the President, where practicable, shall divide the proposals and refer them to the appropriate committees; but if they are not subject to such division, the President shall have authority to refer them to an appropriate committee with instruction to consult with other committees on related matters.

Any proposal which does not comply with the provisions of these rules relating to its form shall be referred to the appropriate Committee as a petition.

Rule 61. The original of each proposal introduced shall be delivered by the Secretary to the printer for printing, 1 copy shall be retained by the Secretary until the original is returned to him, 1 copy shall be made available to the Press and 1 copy shall be delivered to the Chairman of the General Standing Committee to which the proposal has been referred. The original of each proposal introduced, after being printed, shall be returned to the Secretary and be retained in his files and the copy retained by him shall be delivered to the Bureau of Archives and History, in the State Department of Education.

Rule 62. After July 7, 1947, no proposal shall be introduced, except on the report or recommendation of a General Standing or Select Committee, or by unanimous consent.

Rule 63. At such dates as may be convenient after July 7, 1947, and not later than July 31, 1947, each General Standing Committee shall submit to the Convention a report or reports in writing of the result of its deliberations in connection with the subject matters within its consideration under these rules and the proposals referred to it.

Rule 64. Each Committee Report shall be accompanied by a Committee proposal containing a complete Article or other appropriate subdivision or group of Articles or subdivisions of the proposed new Constitution recommended for consideration and agreement upon by the Convention and the Report shall state as to each Proposal referred to the Committee and relating to the subject matter of the Report and Committee Proposal, whether it (1) has been adopted in whole in the Committee Proposal, or

or (2) has been adopted in part in the Committee Proposal, or (3) has been disapproved, or (4) has been disposed of in such manner as may be indicated.

Rule 65. Each General Standing Committee may originate and report without specific reference, any Committee proposal the subject matter of which properly falls within the consideration of such Committee under these rules.

Rule 66. The report by any General Standing Committee of a Committee Proposal shall be taken as the first reading of such Committee Proposal and it shall be ordered to a second reading without reference. No proposal other than a Committee Proposal shall have a second reading except by a vote of at least 41 delegates to the Convention.

Rule 67. Each amendment offered to a proposal before being read, shall be presented to the Secretary, in quadruplicate, either typewritten, with 1 original and 3 carbon copies thereof, or printed, and shall be entered in the Journal. The Secretary shall forward the original to the printer for printing, shall retain 1 copy until the original is returned to him, 1 copy shall be made available to the Press and 1 copy shall be delivered to the Chairman of the General Standing Committee in charge of the proposal intended to be amended. The original of each amendment, after being printed, shall be returned to the Secretary and shall be retained in his files and the copy, retained by him, shall be delivered to the Bureau of Archives and History in the State Department of Education.

Rule 68. Any proposal which has passed its second reading together with all amendments thereto, shall be referred to the Committee on Arrangement and Form for consideration as provided by these rules and when reported by said Committee shall be subject to consideration and amendment as to arrangement and phraseology only and if any such amendment be adopted, shall be again referred to the Committee on Arrangement and Form for similar consideration and report thereof, and if said Committee's report shall be adopted, it shall be ordered to be printed and to third reading.

Rule 69. Proposals which have passed two readings together with all amendments thereto shall be prepared by the Secretary in proper form for printing for third reading and when the Secretary receives from the printer any proposal ordered to a third reading and the same shall be found correct, he shall affix an official stamp to each page of the copy to be used as the official copy.

Rule 70. On the question of the agreement upon any proposal on third reading, the vote shall be taken by yeas and nays and entered on the Journal, and no proposal shall be declared adopted unless at least 41 delegates to the Convention shall have voted in favor of the adoption of the same.

Rule 71. All proposals agreed upon by the Convention shall be referred to the Committee on Submission and Address to the People and such Committee shall consider and report to the Convention recommending the method and manner of submitting them to the people in accordance with law and particularly as to whether such proposals, and all provisions of the present Constitution, if any, which have not been revised, altered or reformed by the Convention shall be submitted by framing a Constitution to be submitted as a whole to the people for adoption or rejection, or whether the proposals revising, altering or reforming the present Constitution shall be submitted by framing 1 or more parts of a Constitution, each to be so submitted to the people that they may adopt or reject in any part, designating and describing in its report the part or parts of a Constitution so to be submitted, and whether they or any one of them shall be submitted by framing 1 or more parts, designating the describing in its report the part or parts, to be submitted in the alternative in order that the people may adopt any of the alternatives or reject any or all of them.

Rule 72. The manner of submission to the People of the Convention's Proposal shall be agreed upon by resolution of the Convention by the affirmative vote of at least 41 delegates but after a Constitution or part or parts of a Constitution have been framed and before final agreement thereon, the Convention shall refer to the Committee on Arrangement and Form, the Constitution or part or parts of a Constitution so framed, for submission for arrangement in proper order and form and report thereon, and upon the coming in of said Report, the Convention shall by the affirmative vote of at least 41 delegates agree upon the final form of the Constitution or part or parts of a Constitution so to be submitted and the manner of submission thereof.

Rule 73. When the Convention by the affirmative vote of not less than 41 delegates shall have agreed upon its proposals and shall have agreed upon and framed the final form of the Constitution or part or parts of a Constitution and the manner of submission to the people according to law, an original and 2 true copies thereof shall be prepared and signed by the President and Secretary of the Convention and delivered to the Governor and a printed copy of the proposed Constitution or the part or parts thereof shall be delivered by the Secretary to each member of the Legislature.



Rule 74. When the Convention shall have agreed upon its proposals and the manner of their submission it shall refer to the Committee on Submission and Address to the People, and such Committee shall consider and report to the Convention, in what manner the question or questions, to be placed upon the ballot submitting to the people the proposed Constitution or the part or parts thereof agreed upon, shall be framed and whether it is deemed appropriate that an interpretative statement shall be placed thereon or should be dispensed with and in what form such interpretative statement should be framed.

Rule 75. There shall also be referred to the Committee on Submission and Address to the People the preparation of an Address to the People consisting of a summary and explanation of the proposed Constitution or the part or parts agreed upon and the making of such directions, if any, to officials and others for submission to the people of the Constitution or the part or parts agreed upon and for notice and publication of the same and of the Address and for the distribution of copies thereof to such persons, places and institutions through the office of the Secretary of State or other persons and at such times and in such manner as may seem desirable and proper and the said Committee shall prepare such an Address and report the same and shall report also as to the other matters so referred to it to the Convention for its action thereon.

Rule 76. The Convention may act upon the matters so referred to said committee by Resolution adopted by the affirmative vote of at least 41 delegates but it shall proceed to arrange for submission of the Constitution or part or parts thereof to the people or make any direction in connection therewith only after certification by the Secretary of State to it that the proposed document and part or parts thereof comply with the instructions as voted by the people.

Rule 77. In framing, adopting and agreeing upon:

- (1) a Constitution to be submitted as a whole, to the people for adoption or rejection, or in framing one or more parts of a Constitution, each to be submitted to the people in accordance with law; and
- (2) the Question or Questions, to be placed upon the ballot, submitting to the people for adoption or rejection the proposed Constitution or the part or parts agreed upon; and
- (3) any Interpretative Statement to be placed upon said ballot; and
- (4) an Address to the People; and
- (5) any Determinations as to directions to officials and others for the submission to the people of the Constitution or the part or parts agreed upon and for notice

and publication of the same and of the Address and as to the distribution of copies thereof to such persons, places and institutions through the office of the Secretary of State or other persons and at such times and in such manner as it shall determine and any direction that its provisions or any of them for notice and publication and distribution shall be in lieu of any other provisions of law relating to public questions and any requirement and determination of the method of submission of the question or questions, which it may frame, by the use of voting machines or with paper ballots or with the use of voting machines and paper ballots;

the vote shall be taken by the yeas and nays and entered upon the Journal.







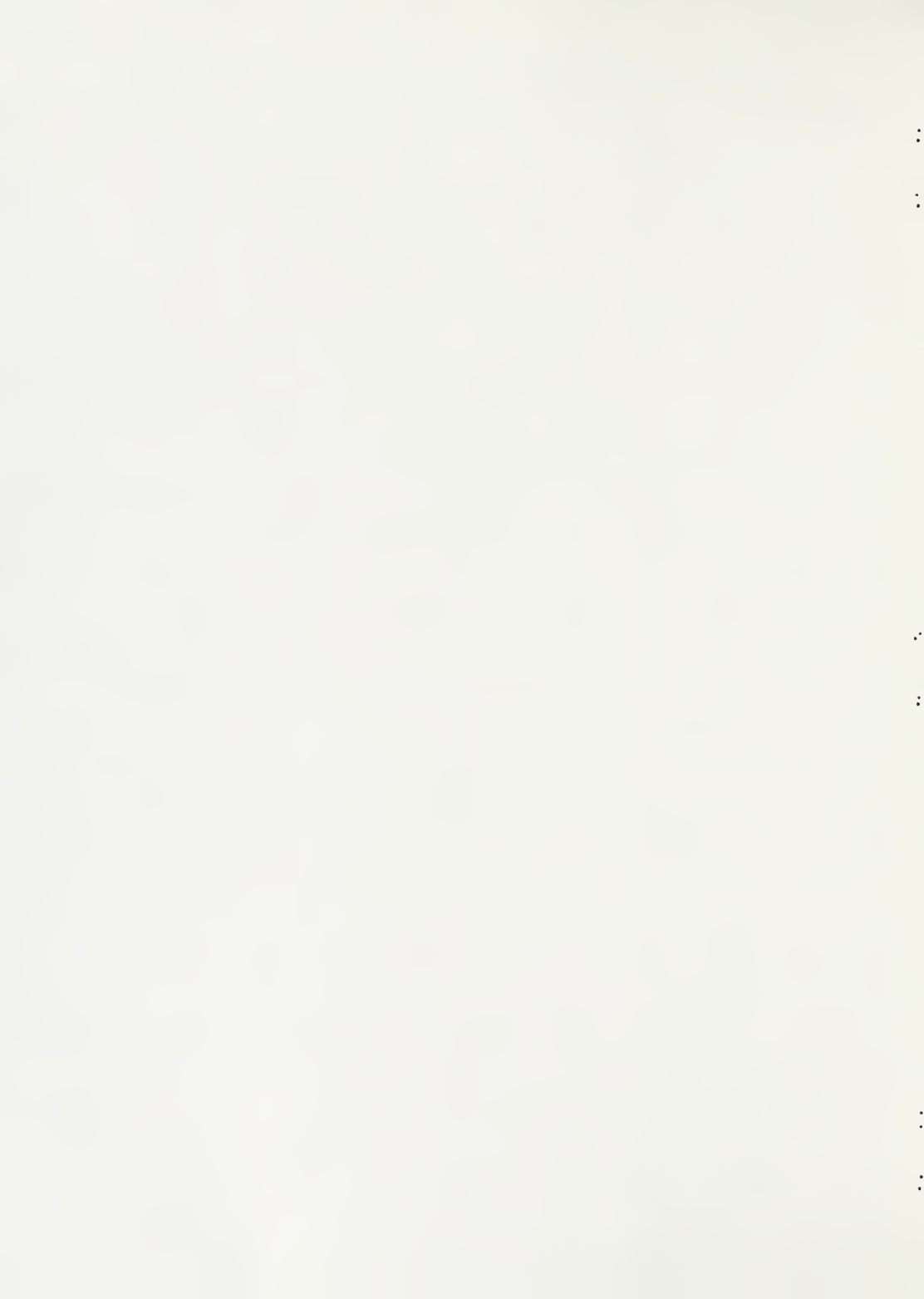


CHAPTER VII

NEW MEXICO CONSTITUTIONAL CONVENTION

1969

CONVENTION RULES



1  
2  
3                   CHAPTER I - GENERAL PROVISIONS  
4

5           1. Quorum - A majority of all the delegates elected to the con-  
6 vention constitutes a quorum for the transaction of business, but a  
7 smaller number may adjourn the convention from day to day and may also  
8 compel the attendance of absent delegates by means provided in these  
9 rules. A majority of the delegates elected may prescribe penalties for  
10 the non-attendance of delegates.

11  
12           2. Adoption of Motions - When a quorum is obtained, the affirma-  
13 tive vote of a majority of the delegates present and voting is suffi-  
14 cient for the adoption of any motion or the taking of any action, except  
15 as provided elsewhere in these rules.

16  
17           3.

18           A. Admission to Floor - No person shall be admitted to the  
19 floor of the convention, other than a delegate, officer or employee of  
20 the convention, accredited news correspondent or person invited by the  
21 president to sit with him. As used in these rules, "floor of the con-  
22 vention" means the chamber of the New Mexico house of representatives,  
23 excluding the gallery.

24           B. Record of Proceedings - A taped recording will be made of  
25 all sessions and proceedings of the committee of the whole and of the  
convention sessions and will be filed in the state archives.



1           7. Duties of the President - The president shall:

2           A. preside at all sessions of the convention and perform all  
3 duties usually possessed and performed by presiding officers of con-  
4 stituent assemblies;

5           B. preserve order and decorum;

6           C. speak to points of order and, subject to an appeal to the  
7 convention, decide all points of order;

8           D. in consultation with the vice presidents, appoint the  
9 chairman, vice chairman and members of all committees;

10          E. appoint and assign duties to all employees of the con-  
11 vention where vacancies or need occurs;

12          F. be the chief executive of the convention and have general  
13 supervision of all officers and employees; and

14          G. assign the use of committee rooms and other facilities of  
15 the convention.

16  
17          8. Temporary Presiding Officers - The president may appoint any  
18 delegate to preside temporarily at any session of the convention, but  
19 for not longer than one day without leave of the convention. The presi-  
20 dent shall name a delegate to serve as chairman of the committee of the  
21 whole but for not longer than one day.

22  
23          9. Vacancy - in the event of a vacancy in the office of president by  
24 death, resignation or otherwise, the convention shall, by majority vote of  
25 those delegates elected to the convention, elect a president to fill the  
vacancy.



1           10. Voting by President - The president shall vote on all roll  
2 calls, and his name shall be called last by the chief clerk.

3  
4           11. Vice Presidents - The vice presidents shall assist the presi-  
5 dent in the performance of his duties. In the temporary absence of the  
6 president, or in the event of his temporary inability to preside, his  
7 duties shall devolve upon the first vice president, or if the first  
8 vice president is also absent or unable to preside, upon the second vice  
9 president, or if the second vice president is also absent or unable to  
10 preside, upon the third vice president, or if the third vice president  
11 is also absent or unable to preside, upon the fourth vice president.  
12 As used in this rule, "temporary inability" means an absence or inability  
13 not to exceed five consecutive days.

14  
15           12. Chief Clerk -

16           A. The chief clerk is the chief administrative officer of the  
17 convention and is primarily responsible for its administration under the  
18 direction of the president. The chief clerk, under the supervision and  
19 authority of the president, is responsible for the employment and assign-  
20 ment of personnel and supervision of the payroll and accounting. He  
21 shall also prepare the convention's budget and supervise the acquisition  
22 and care of facilities, services and supplies needed by the convention.

23           B. The chief clerk shall also:

24                 (1) call the roll at the opening of each session of the  
25 convention, after which the president shall announce whether or not a

continued.....

1 quorum is present;

2 (2) prepare and place on the desk of each delegate a  
3 calendar of the business of the convention for each day, as provided in  
4 these rules;

5 (3) prepare for reproduction all reports and committee  
6 proposals and other documents which are required to be reproduced by  
7 the convention;

8 (4) preserve all proposals, reports of committees and  
9 all other records, books, documents and papers of the convention, and  
10 after the adjournment of the convention, deliver them for deposit and  
11 preservation in the state archives; and

12 (5) cause and supervise the keeping and preparation of  
13 a journal of the proceedings of the convention.

14

15 13. Sergeant at Arms - The sergeant at arms shall perform his  
16 duties subject to the supervision of the chief clerk. He and his author-  
17 ized assistants shall be in constant attendance upon the sessions of the  
18 convention and in the lobbies, gallery and passages and rooms connected  
19 therewith, and in the committee rooms when a committee is in session.  
20 The sergeant at arms shall see that no person is admitted to or remains  
21 on the floor of the convention unless entitled to the privileges thereof.  
22 He shall execute the orders of the president and of the convention to-  
23 gether with all processes issued by the convention.

24

25

1           14. Parliamentarian - The parliamentarian of the convention is  
2 the advisor to the presiding officer and to each committee chairman on  
3 all matters of parliamentary law. The parliamentarian shall not be a  
4 delegate of the convention and shall be a person learned in parliamen-  
5 tary law. All parliamentary rulings, however, are the responsibility  
6 of, and shall be made by, the presiding officer.

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### CHAPTER III - DELEGATES

15. Seating - Delegates shall be seated in the convention chamber by alphabetical order, beginning with the first row from right to left as they face the president's chair. Variations in this seating may be authorized for the vice presidents and coordinator.

16. Conduct in Debate - When any delegate desires to speak in debate or to present any matter to the convention, he shall rise from his seat and shall not speak until recognized by the presiding officer. A delegate may rise and address the President without waiting for recognition when he rises to: a point of order requiring an immediate ruling, a parliamentary inquiry requiring an immediate reply, an objection to consideration, or an appeal of the decision of the President. The delegate should state his reason for rising then wait for the President to recognize him to state his point. When recognized, he shall activate his microphone and shall confine himself to the question under consideration and avoid personalities. He shall address all of his remarks to "Mr. President".

17. Delegates Called to Order - The president or any delegate may challenge any other delegate who, on speaking, violates the rules of the convention. Upon such challenge, the president may order the speaker to sit down. The president's order to sit down, or the failure of the president to order the speaker to sit down, may be appealed to the convention and sustained or overruled by a majority of the delegates present.

18. Delegates Speaking - Except for explanation, no delegate shall speak more than once in any one day at the same stage of the question without permission of the president as long as any delegate who has not debated the matter desires to speak. No person, other than a delegate, shall address the convention, with the following exception: the parliamentarian may address the convention on matters of parliamentary law when requested to do so by the president.

19. Interruption of a Delegate - No delegate shall be interrupted when speaking except for a point of order requiring an immediate ruling, a parliamentary inquiry requiring an immediate reply, an objection to consideration, or an appeal of the decision of the President. No motion shall be in order until the delegate has concluded and no question shall be asked of him except that which is asked through the president and with the consent of the delegate.

20. Closing Debate - The primary sponsor of a motion has the right to close debate. The chairman of any committee or any member of his committee designated by him is deemed the primary sponsor of any report or proposal recommended by his committee.

21. Attendance of Delegates - Each delegate shall be present on the floor of the convention during each session, unless prevented by sickness or excused by the president in writing; the excuse shall be filed with the chief clerk.

22. Voting -

A. Each delegate shall vote on each question or motion coming up before the convention when requested to do so by the president, unless excused by a majority vote.

B. Any delegate desiring to be excused from voting may, when his name is called, make a brief statement, not occupying more than three minutes, of the reasons for making such a request, and the question of excusing him shall be decided without debate.

1 C. No delegate, upon a roll call vote, shall be allowed to  
2 explain his vote; provided, however, that any delegate shall be allowed  
3 one minute at the conclusion of the roll call to explain his vote.

4 D. Upon a motion, seconded by at least five delegates, a roll  
5 call shall be entered upon the journal of the convention.

6 E. When his name is called on a roll call vote, a delegate  
7 shall be permitted to pass only once. Upon completion of calling the  
8 roll the first time, the chief clerk shall call in order the names of  
9 those delegates having passed and they shall be required to vote "aye"  
10 or "nay" the second time their names are called.

11  
12 23. Decorum - During a session of the convention, no person shall  
13 speak to another, read a newspaper while matters are being presented to  
14 the convention, walk out of or across the floor of the convention while  
15 the president is putting a question, pass between a delegate who is  
16 speaking and the chair, or otherwise interrupt the business of the con-  
17 vention.

18  
19 24. Smoking, Eating and Drinking - Smoking, eating and drinking  
20 on the floor of the convention or in the galleries while the convention  
21 is in session shall be at the pleasure of the president.

22  
23 25. Questioning Delegates - No delegate shall be questioned in any  
24 other forum for any speech or debate or for any vote cast in the conven-  
25 tion.

1        26. Contest of Election - No protest or petition contesting the  
2 election or selection of any delegate shall be received or considered  
3 unless filed within ten days after the adoption of these rules or within  
4 ten days after the appointment of any delegate.

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1           28. Special Committees -

2           A. There shall be a special committee of the convention  
3 which shall be known as the *committee on public information*. This  
4 committee shall be appointed as standing committees are appointed.  
5 The *committee on public information* shall consider and implement mea-  
6 sures to constantly inform the people of this state on the actions,  
7 procedures, recommendations and activities of the convention. It shall  
8 also prepare and present to the convention for its approval a report  
9 to the people outlining the results of the convention's work and the  
10 proposed changes recommended in the constitution.

11           B. There shall be a *committee on style*, which shall include  
12 drafting, arrangement and transitions.

13           C. There shall be a *committee on rules*, which shall consider  
14 rules, credentials and business of the convention.

15           29. Size of Committees - No standing committee shall have more  
16 than twenty members.

17           30. Committee Service - No delegate may serve on more than two  
18 standing committees; provided, that the president shall be automatically  
19 a member, without vote, on all committees of the convention. No chair-  
20 man of any standing committee shall be a member of any other committee  
21 except that all committee chairmen shall be ex officio members of the  
22 *committee on rules*.

1           31. Subcommittees - A committee, by affirmative vote of a majority  
2 of its members present, may authorize the committee chairman to appoint  
3 subcommittees composed of delegates who are members of the committee.  
4 Reports of subcommittees shall be made only to the parent committee and  
5 shall be adopted by a majority vote of the parent committee before being  
6 recommended to the convention.

7  
8           32. Rules of Committees - The rules and orders of the convention,  
9 where applicable, shall govern the parliamentary procedures of all com-  
10 mittees of the convention.

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12           33. Meetings - Each committee shall meet at the call of its chair-  
13 man or by written request of a majority of its members.

14  
15           34. Sitting During Sessions - No committee, except the *committee*  
16 *on rules*, shall sit during the sessions of the convention or of the  
17 committee of the whole, without having first obtained permission from  
18 the president.

19  
20           35. Committee Hearings and Meetings - All committee hearings and  
21 meetings shall be open to the public. All committee hearings and meet-  
22 ings shall be conducted at the seat of the convention. A committee  
23 chairman, with the approval of the president, may direct that a verbatim  
24 record be kept of a specified portion of its proceedings. No committee  
25 hearing or meeting shall be held without a quorum being present.

1           36. Power to Incur Expenses - No delegate, committee or employee  
2 shall incur any expense chargeable to the convention unless such expense  
3 is approved by the president or is authorized by the convention. No  
4 motion calling for an expenditure of money shall be acted upon by the  
5 convention without first being referred to the *committee on rules* for  
6 its consideration and recommendation.

7  
8           37. Delegate Proposals -

9           A. A proposal for revising, altering or reforming the present  
10 constitution in any manner may be filed by one or more delegates in the  
11 office of the chief clerk and referred by the president, in consultation  
12 with the vice presidents, to the standing committee considering the arti-  
13 cle to which the proposal pertains subject to appeal to the convention.

14           B. The committee shall permit each delegate who sponsors a  
15 proposal to appear and testify on behalf of his proposal.

1           38. Committee Proposals and Reports -

2           A. Each committee proposal and report shall be adopted by an  
3 affirmative vote of a majority of the committee members present and  
4 voting.

5           B. Each committee proposal recommending any matter for in-  
6 corporation in the constitution shall contain a complete article, other  
7 subdivision or groups of articles or subdivisions of the constitution.  
8 In the discretion of the committee, the proposed article or articles  
9 recommended to the convention may contain controversial sections stated  
10 in the alternative for presentation to the voters of the state.

11           C. Each committee proposal shall be accompanied by a report  
12 which shall state the committee's recommendation and disposition of  
13 each delegate proposal filed with the committee as follows: whether it  
14 (1) has been adopted in whole in the committee proposal, (2) has been  
15 adopted in part in the committee proposal, (3) has been disapproved,  
16 or (4) has been disposed of in such other manner as may be indicated.

17           D. The report of the committee shall contain enough detailed  
18 information as to the disposition by the committee of its assignment so  
19 as to enable the president to determine that all subjects which should  
20 be considered by the committee have been covered.

21           E. Nothing in this rule shall be construed to prevent the sub-  
22 mission of a minority report by members of a standing committee.

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1           40. Disposition of Copies -

2           A. Copies of delegate proposals shall be distributed as fol-  
3 lows:

4                   (1) two copies shall be filed in the office of the chief  
5 clerk of the convention;

6                   (2) one copy shall be for the press secretary of the con-  
7 vention, who shall provide additional copies for the press as needed;

8                   (3) one copy shall be filed in the convention library;  
9 and

10                   (4) the original and one copy shall be placed in the  
11 committee's files; provided the committee secretary shall have sufficient  
12 copies of the delegate proposal reproduced for the use of the committee  
13 members.

14           B. Copies of committee proposals shall be distributed by the  
15 committee secretary as follows:

16                   (1) the original and one copy shall be filed with the  
17 chief clerk, the original to be retained by the chief clerk and sent to  
18 the *committee on style* together with any amendments made by the committee  
19 of the whole;

20                   (2) one copy shall be for the press secretary;

21                   (3) one copy shall be filed in the convention library;

22                   (4) one copy shall be for reproduction purposes; and

23                   (5) one copy shall be retained in the committee's files.  
24  
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41. Time Limit on Filing Proposals With Committee - No delegate proposal shall be filed with or accepted by any standing committee of the convention later than August 25, 1969.

42. Committee Report Deadline - At such dates as may be convenient and no later than September 13, 1969, each standing committee shall submit to the convention its report and proposals.

CHAPTER V - COMMITTEE OF THE WHOLE

1           43. Chairman - When the convention resolves itself into the com-  
2 mittee of the whole, the president may designate a delegate as chair-  
3 man thereof, and the chief clerk of the convention shall be the chief  
4 clerk of the committee of the whole.

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6           44. General Orders of the Day - All proposals reported by any com-  
7 mittee of the convention shall be referred to the committee of the whole  
8 and kept in the file called "General Orders of the Day". No committee  
9 proposal shall be considered by the committee of the whole until the  
10 third day after it has been referred to the committee of the whole and  
11 has been reproduced for each delegate as provided in these rules, unless  
12 the convention, by the affirmative vote of a majority of the delegates  
13 present and voting, agrees to its earlier consideration.

14  
15           45. Consideration of Proposals - When the convention, in the order  
16 of its business, reaches consideration of the "General Orders of the Day",  
17 it shall then resolve itself into the committee of the whole to consider  
18 such orders, or to consider a particular order designated by the conven-  
19 tion by the affirmative vote of a majority of those present and voting.  
20 No business shall be in order until all pending "General Orders of the Day"  
21 have been considered or passed over, or the committee of the whole has  
22 risen. Unless a particular proposal has been specially designated by the  
23 convention out of turn, the committee of the whole shall consider, act upon  
24 or pass over the "General Orders of the Day" in the order in which they were  
25 referred to the committee.

1           46. Reading, Debate and Amendment - In the committee of the whole,  
2 proposals shall, at the request of any ten delegates, be read before being  
3 debated or acted upon. All amendments proposed in the committee of the  
4 whole shall be submitted in writing, and if adopted, shall be noted on  
5 a separate sheet of paper by the chief clerk and made a part of the re-  
6 port to the convention.

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8           47. Motion to Rise - A motion that the committee of the whole rise  
9 shall always be in order unless a member of the committee is speaking or  
10 a vote is being taken, and such motion shall be decided without debate  
11 by the affirmative vote of a majority of those present and voting.

12  
13           48. Reconsideration - A motion to reconsider shall be in order in  
14 the committee of the whole and may be adopted before the committee rises  
15 by an affirmative vote of a majority of those present and voting; provi-  
16 ded, however, that once a motion to reconsider has been made and failed,  
17 no further motion to reconsider on that vote shall be in order.

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19           49. Application of Convention Rules - The rules of the convention  
20 shall be observed in the committee of the whole so far as they may be ap-  
21 plicable except that: the committee of the whole cannot adjourn the con-  
22 vention; the vote of a majority of the committee present and voting shall  
23 govern its action; and a motion to postpone indefinitely or for a call of  
24 the convention shall not be in order. A delegate may speak more than  
25 once in the committee of the whole. The previous question shall not be  
ordered.



1 51. Order of Consideration of Proposals - The prescribed order in

2 which proposals pending before the convention are to be taken up or  
3 acted upon shall be as follows:

4 A. Filing of delegate proposals with the chief clerk.

5 B. Conduct of committee hearings and meetings.

6 C. Report of the committee proposals by the committee, accept-  
7 ance and placing on General Orders of the Day and reproduction by chief  
8 clerk.

9 D. Consideration, debate and amendment by committee of the  
10 whole in the order placed on General Orders of the Day.

11 E. Report by the committee of the whole and reference to the  
12 *committee on style* for recommendations as to drafting, style and phrase-  
13 ology only.

14 F. Report by the *committee on style* as to drafting, style and  
15 phraseology only, second reading and tentative adoption of the proposal.

16 G. Re-reference to the *committee on style* for arrangement and  
17 incorporation in final recommendation or recommendations of the convention.

18 H. Report by the *committee on style* of final recommendation  
19 or recommendations of the convention, third reading and final passage.

20 I. Reference to *committee on style* for engrossing and enrolling.

21 J. Report of *committee on style* of engrossed and enrolled recom-  
22 mendations, official signing of typed or printed document or documents by  
23 the president, delegates of the convention and chief clerk, and the  
24 affixing of the great seal of the state by the secretary of state.  
25



1 the main issue. Motion 11 is not debatable but is amendable. Motion 13  
2 is not amendable but is debatable.

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4 54. Order of Putting Questions - All questions shall be put in  
5 the order in which they are moved, except in the case of privileged  
6 questions.

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8 55. Amendment Must Be Germane - No motion or proposition relating  
9 to a subject different from that under consideration shall be admitted  
10 under color of an amendment or substitute.

11  
12 56. Division of Question - Any delegate may call for a division  
13 of the question, which shall be divided if it includes propositions  
14 which are so distinct in substance that when one is removed or deferred,  
15 a substantive proposition remains for the decision of the convention. A  
16 motion to strike out and insert shall not be subject to division within  
17 the meaning of this rule.



1           57. The Previous Question - The method of ordering the previous  
2 question shall be as follows: any delegate may move the previous ques-  
3 tion and, unless otherwise stated, the motion shall apply to the pending  
4 question only. When such motion is seconded, the presiding officer  
5 shall put the question, "Shall the main question now be put?" This  
6 shall be ordered only by a two-thirds (2/3) majority of the delegates  
7 present and voting. After the seconding of a motion for the previous  
8 question and prior to the ordering of the same, a call of the convention  
9 may be moved and ordered, but after ordering the previous question noth-  
10 ing shall be in order prior to the decision of the pending question or  
11 questions, except demands for ayes and nays, points of order, appeals  
12 from a decision of the chair and a motion to adjourn or to recess.

13           The effect of ordering the previous question shall be to put an  
14 end to all debate and to bring the convention to a direct vote upon the  
15 pending question or questions in their order down to and including the  
16 main question; provided, however, that when the previous question is  
17 ordered, amendments then on the chief clerk's desk shall be acted upon.

18           If the convention refuses to order the previous question, the con-  
19 vention shall resume consideration of the pending subject as though no  
20 motion for the previous question had been made.  
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1        58. Motion to Reconsider - Any delegate may move for a reconsider-  
2 ation of any question at the same or next succeeding session day of the  
3 convention but not thereafter. The *committee on style*, through its  
4 chairman, may move for a reconsideration on any subsequent session day  
5 if the chairman gives one session day's notice in writing of its inten-  
6 tion to do so to the chief clerk, and such notice is announced in open  
7 session and entered in the journal. A motion to reconsider takes prece-  
8 dence over all other motions, except a motion to adjourn or a motion to  
9 recess. When a delegate's motion to reconsider is decided, that deci-  
10 sion shall not be reconsidered except by a motion of the *committee on*  
11 *style* to reconsider. No vote upon any of the following motions is sub-  
12 ject to reconsideration:

- 13            A. to adjourn;  
14            B. to lay on the table;  
15            C. to take from the table; or  
16            D. for the previous question.
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1           59. Call of the Convention -

2           A. A call of the convention for a specific purpose may be  
3 ordered upon the adoption of a motion by the affirmative vote of a  
4 majority of the delegates present and voting, the total vote in favor  
5 of such call shall not be less than fifteen.

6           B. After a call of the convention is ordered the doors shall  
7 be closed and the delegates shall not be permitted to leave the floor  
8 of the convention without permission of the president or the convention.

9           C. The sergeant at arms shall notify all delegates of the  
10 call. The roll of the convention shall be called by the chief clerk  
11 and the absent delegates noted. The sergeant at arms may, upon motion,  
12 be dispatched after the absent delegates, and they shall be brought to  
13 the floor of the convention with all possible speed.

14           D. The convention may proceed to other business under a call  
15 of the convention pending the arrival of absent delegates.

16  
17           60. Majority Vote on Proposals - On the third reading and final  
18 passage of a proposal, the vote shall be taken by ayes and nays and  
19 entered on the journal; It shall not be declared finally passed unless  
20 a majority of all the delegates elected to the convention shall have  
21 voted in favor of its passage.



CHAPTER VIII

NEW YORK CONSTITUTIONAL CONVENTION

1967

CONVENTION RULES

**RULES OF THE 1967 CONSTITUTIONAL CONVENTION**

RULE I	ELECTION OF OFFICERS
RULE II	PRESIDENT
RULE III	SECRETARY
RULE IV	SERGEANT-AT-ARMS
RULE V	OFFICIAL REPORTER
RULE VI	QUORUM AND VOTING
RULE VII	RIGHTS AND DUTIES OF DELEGATES
RULE VIII	ELECTION CONTESTS AND FILLING OF VACANCIES
RULE IX	COMMITTEES AND THEIR DUTIES
RULE X	COMMITTEE ON RULES
RULE XI	ORDER OF BUSINESS
RULE XII	INTRODUCTION OF PROPOSITIONS
RULE XIII	ACTION ON PROPOSITIONS
RULE XIV	RESOLUTIONS
RULE XV	MOTIONS
RULE XVI	SUSPENSION OF THE RULES
RULE XVII	LOBBYING
RULE XVIII	CONVENTION CHAMBER
RULE XIX	CONTEMPTS

## CONSTITUTIONAL CONVENTION

### RULE I

#### ELECTION OF OFFICERS

Section 1. The Convention shall elect a President from among its members.

§ 2. In case of a vacancy in the office of President, by death, resignation or other cause, such vacancy shall be filled by the Convention in the manner prescribed in section one hereof.

§ 3. The Convention shall also elect a Secretary, Sergeant-at-Arms and Official Reporter, none of whom shall be Delegates.

### RULE II

#### PRESIDENT

Section I. The President shall be the Presiding Officer of the Convention and Chairman of the Committee on Rules.

§ 2. The President shall take the chair and call the Convention to order each day at the hour to which the Convention shall have adjourned and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these Rules.

§ 3. The President shall preserve order and decorum, and, in debate, shall prevent personal reflections and confine Delegates to the question under discussion.

§ 4. The President shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right, in his place, to assign his reason for his decision. In case of such appeal no Delegate shall speak more than once.

§ 5. The President shall appoint from among the Delegates, the following:

- a. A 1st, 2nd, 3rd and 4th Vice-President ;
- b. A Majority Leader and an Assistant Majority Leader ;
- c. A Minority Leader and an Assistant Minority Leader, upon the recommendation of the Minority ;
- d. The chairman, secretary and majority members of each committee; and
- e. The vice-chairman and minority members of each committee, upon the recommendation of the Minority.

§ 6. The President shall appoint, fix the compensation of, and assign duties to all employees of the Convention, and shall consult with the chairman and vice-chairman of each standing committee with respect to the staffing of such committee.

§ 7. a. The President may orally designate any other Delegate to serve as Presiding Officer for less than one day.

b. The President may designate in a writing, filed with the Secretary, any Vice-President to act as temporary President, with such powers and duties of the President as shall be prescribed by such written designation.



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§ 8. The President shall certify accredited representatives of the public news media. Subject to the limitations of space, he shall assign such representatives to places in the Convention Chamber.

§ 9. The President shall not be required to vote, except where his vote would be decisive.

§ 10. The President shall have power, in the event of any disturbance or disorderly conduct in the Chamber or the galleries, corridors or passages, to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the Convention. In all such cases, the Convention may find the offending person guilty of a contempt of the Convention and impose such punishment as may be prescribed by these Rules.

§ 11. a. The President shall certify to the Secretary of State the full text of the proposed Constitution and/or proposed constitutional amendments and the form thereof to be submitted to the People, as approved by the Convention.

b. The President shall further certify to the Secretary of State, pursuant to Chapter 169 of the Laws of 1967,\* an abstract of the text of such proposed Constitution and/or proposed constitutional amendments and a brief statement of the form in which the same is to be submitted to the People, as approved by the Convention.

### RULE III SECRETARY

Section 1. It shall be the duty of the Secretary to cause a daily Journal of proceedings of the Convention to be kept.

§ 2. Such daily Journal shall be filed in duplicate, on the day following its approval by the Convention, in the office of the Secretary who shall forward one such copy to the office of the Librarian of the Convention, to be available for public inspection.

§ 3. The Secretary shall also cause to be prepared a daily calendar or calendars of all propositions on the order of second reading or on the order of third reading, and shall cause copies of such calendars and propositions to be placed on the desk of each Delegate.

§ 4. The Secretary, or other person designated by the President, shall, whenever a vote of the Delegates is required, call the roll thereof and announce the result of such vote.

### RULE IV SERGEANT-AT-ARMS

Section 1. Subject to the direction of the President, the Sergeant-at-Arms shall enforce the Rules of the Convention, enforce order in the Convention Chamber, galleries, lobbies, corridors and rooms, and exclude all persons from the floor of the Chamber, except such as are entitled to the privileges of the same.

\* For provisions of Chapter 169, Laws of 1967, see Appendix C.

## CONSTITUTIONAL CONVENTION

### RULE V

#### OFFICIAL REPORTER

Section 1. The Official Reporter shall be present at every session of the Convention, and shall make a verbatim stenographic record of the proceedings thereof.

§ 2. The transcript of such proceedings shall be filed in quadruplicate in the office of the Secretary on the day following such proceedings.

§ 3. Each Delegate shall have the right, within two Convention days next succeeding, to edit his remarks.

§ 4. One copy of such edited transcript shall be delivered to the Committee on Style and Arrangement, and one copy shall be deposited in the office of the Librarian of the Convention to be available for public inspection.

### RULE VI

#### QUORUM AND VOTING

Section 1. A majority of all the Delegates elected to the Convention:

- a. shall constitute a quorum to do business; and
- b. shall be the number of votes required to advance a proposition from the order of second reading and for the final passage of a proposition.

§ 2. In case a lesser number than a quorum of the Convention shall convene, those Delegates present are authorized to send the Sergeant-at-Arms, or any other person, for the absent Delegates.

§ 3. If, at any time during the session of the Convention, a question shall be raised by any Delegate as to the presence of a quorum, the President shall forthwith direct the Secretary to call the roll of Delegates, and shall announce the result thereof, and such proceeding shall be without debate; but no Delegate while speaking shall be interrupted by any other Delegate raising the question of a lack of a quorum, and the question as to the presence of a quorum shall not be raised more often than once in every hour unless the lack of a quorum shall be disclosed upon a roll call of the ayes and noes.

§ 4. Whenever, upon a quorum call, any Delegate who is upon the floor of the Convention Chamber refuses to make response when his name is called, it shall be the duty of the President, either upon his own motion or upon the suggestion of any Delegate, to request the Delegate so remaining silent to respond to his name, and if such Delegate fails to do so, the fact of such request and refusal shall be entered in the Journal, and such Delegate shall be counted as present for the purpose of constituting a quorum.

### RULE VII

#### RIGHTS AND DUTIES OF DELEGATES

Section 1. Every Delegate who shall be within the Convention Chamber when a question is stated by the President shall vote thereon, unless he is excused by the Convention, or unless he be directly inter-

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ested in the question; nor shall the roll of absentees be called more than once. The roll call may be taken by a system of electronic voting.

§ 2. The ayes and noes may be taken on any question, whenever so required by any twenty Delegates, and when so taken shall be entered on the Journal.

§ 3. a. Any Delegate requesting to be excused from voting may, when his name is called, make a brief statement of the reason for making such request, not exceeding two minutes in time, and the Convention, without debate, shall decide if it will grant such request; but nothing in this Rule contained shall abridge the right of any Delegate to record his vote on any question previous to the announcement of the result.

b. Any Delegate desiring to explain his vote may, when his name is called, be allowed two minutes for such purpose.

§ 4. When less than a quorum vote on any subject under the consideration of the Convention, it shall be in order, on motion, to close the Convention Chamber, whereupon the roll of Delegates shall be called by the Secretary and if it is ascertained that a quorum is present, either by answering to their names, or by their presence in the Convention Chamber, the ayes and noes shall again be ordered by the President, and if any Delegate present refuses to vote unless excused by the Convention, such refusal shall be deemed a contempt and, unless purged, the Convention may order the Sergeant-at-Arms to remove such Delegate or Delegates from the Convention Chamber, and all privileges of membership shall be refused the Delegate or Delegates so offending until the contempt be duly purged.

§ 5. In all cases of the absence of Delegates during a session of the Convention, the Delegates present may take such measures as they shall deem necessary to secure their presence, and in addition to suspending them from the Convention for a given period, may impose such censure or pecuniary penalty as they may deem just on those who, on being called on for that purpose, shall not render a sufficient excuse for their absence. For the purpose of securing the attendance of members, a call of the Convention may be made, but such call shall not be in order after the main question has been ordered, nor after the voting on the question has commenced, nor after the second or third reading of a proposition has been completed. While a call of the Convention is in progress, no other business shall be transacted except by order of the Convention.

§ 6. a. No Delegate rising to debate, to give notice, to make a motion or report, or to present a petition or other paper, shall proceed until he shall have addressed the President from his place and has been recognized by him. While a Delegate is speaking, no Delegate shall entertain any private discourse or pass between him and the President.

b. No Delegate shall speak except in his place, nor more than twice on any question on the same day without leave of the Convention. No Delegate shall speak for more than fifteen minutes on any question except by consent of a majority of the Delegates present.

## CONSTITUTIONAL CONVENTION

c. If any Delegate, in speaking, transgresses the Rules of the Convention, the President may call him to order, in which case the Delegate so called to order shall immediately be seated, and shall not rise unless to explain or proceed in order.

d. When a motion to adjourn is adopted, the Delegates shall keep their seats and places until the President declares the Convention adjourned.

§ 7. While the President is putting a question, or a roll call is in progress or a count is being had, no Delegate shall speak or leave his place. When the Convention is equally divided on any question, including the President's vote, the question shall be deemed to be lost. All questions relating to the priority of one question or subject-matter over another, under the same order of business, shall be decided without debate.

§ 8. a. The provisions of section seventy-four\* of the Public Officers Law, as supplemented by subdivision b of this section, respecting the establishment of a code of ethics, are hereby adopted and promulgated as section eight of Rule VII of the Rules of the Convention, with the same force and effect as if fully set forth herein.

b. For the purposes of this section, the terms "member of the legislature" and "legislative employee" as contained in section seventy-four of the Public Officers Law shall mean and include Delegate to the Convention and Convention employee, respectively.

## RULE VIII

### ELECTION CONTESTS AND FILLING OF VACANCIES

Section 1. The Convention shall be the judge of the election, returns and qualifications of its members.

§ 2. a. In case of a vacancy, by death, resignation or other cause, of any District Delegate elected to the Convention, such vacancy shall be filled by a vote of the remaining Delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a Delegate-at-large, such vacancy shall be filled by a vote of the remaining Delegates-at-large.

b. In case of any such vacancy, it shall be the duty of the President forthwith to cause the fact thereof to be entered upon the Journal and to call the remaining District Delegates or Delegates-at-large, as the case may be, into session for the purpose of filling such vacancy and to preside thereat. The President shall have only a casting vote but shall cast such vote only for a candidate of the same political party as the Delegate whose place has become vacant.

c. The Convention shall be the sole judge of the election, returns and qualifications of Delegates elected pursuant to this section.

§ 3. A question of the election, returns or qualifications of any Delegate shall be referred to the Committee on the Judiciary for investigation and report.

\* For provisions of § 74 of Public Officers Law, see Appendix D.

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RULE IX

COMMITTEES AND THEIR DUTIES

Section 1. The standing committees of the Convention and the general area of the subject matter assigned thereto shall be as follows:

<i>Name of Committee</i>	<i>General area of subject matter shall include but not be limited to</i>
Bill of Rights and Suffrage	a. Bill of Rights b. Suffrage
Economic Development	a. Banking b. Insurance c. Corporations and institutions not herein otherwise specified d. Public utilities e. Trade regulations f. Industrial and job development g. Transportation h. Highways, parkways and grade crossings i. Airports
Education	a. The role of the State and local governments in quality pri- mary, secondary and higher education b. State University c. Board of Regents d. Educational financing
Executive Branch	a. The Governor b. The Lieutenant Governor c. The Comptroller d. The Attorney General e. State departments, penal and correctional institutions, and other state units f. Administration of law enforcement g. Military and naval affairs
Health, Housing and Social Services	a. Health b. Housing c. Social services d. Poverty and equal opportunity e. Consumer protection f. Indian affairs

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| Intergovernmental Relations              | a. State public authorities<br>b. Interstate compacts<br>c. Regional authorities<br>d. Federal, state and local relationships   |
| Judiciary                                | a. Judiciary<br>b. Non-judicial aspects of administration<br>c. Privileges and elections of Delegates   |
| Labor, Civil Service and Public Pensions | a. Labor<br>b. Civil Service<br>c. Industrial relations<br>d. Workmen's compensation<br>e. Public pension systems   |
| Legislature                              | a. The Legislature, its organization, powers, limitations and duties<br>b. The number, apportionment, election and tenure of members of the Legislature<br>c. Local apportionment and Congressional districting<br>d. Future amendments to the Constitution |
| Local Government and Home Rule           | a. Local governments, their organization, home rule and powers<br>b. Public districts<br>c. Local public authorities<br>d. Local finance  |
| Natural Resources and Agriculture        | a. Agriculture<br>b. Canals and waterways<br>c. Conservation and natural resources<br>d. Air and water pollution<br>e. Recreation   |
| Presentation of Proposed Constitution    | a. Form and manner of presentation of proposed Constitution to the People   |
| Rules                                    | a. Subject matter of all other committees   |

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| State Finances, Taxation<br>and Expenditures | a. State finances<br>b. State taxation<br>c. State expenditures                       |
| Style and Arrangement                        | a. Edit, arrange, harmonize and<br>conform all provisions of<br>proposed Constitution |

§ 2. a. Each standing committee, except the Committee on Rules, the Committee on Style and Arrangement and the Committee on the Presentation of Proposed Constitution, shall be composed of twenty-seven members, fifteen of whom shall be of the Majority and twelve of whom shall be of the Minority.

b. The Committee on Rules shall consist of the following:

1. The President
2. All Vice-Presidents
3. The Majority Leader
4. The Assistant Majority Leader
5. The Minority Leader
6. The Assistant Minority Leader
7. The chairmen of all other standing committees
8. Ten Minority members, upon the recommendation of the Minority

For each of the Vice-Presidents appointed as chairman of a standing committee, the President shall appoint another Delegate as an additional member of the Committee on Rules.

c. The Committee on Style and Arrangement and the Committee on Presentation of Proposed Constitution each shall consist of ten members; one-half of the membership of each committee shall be appointed upon the recommendation of the Minority; provided, however, that the membership of the Committee on Presentation of Proposed Constitution shall not be appointed prior to August 1st, 1967. The President shall be an ex-officio member of both such committees and shall be entitled to the same rights and privileges as all other members of such committees, except that he shall have only a casting vote.

§ 3. a. Each standing committee shall hold regular meetings upon the call of the chairman thereof, who shall cause the date, time and place of each such meeting to be delivered to each member of such committee, announced by the Secretary and posted on the Convention committee board. Each such committee shall hold special meetings upon the call of the chairman or upon the call of a majority of all the members thereof, entry of which fact shall be made on the records of the committee. No committee shall vote upon any proposition or resolution unless a majority of all the members thereof is actually present, and no proposition or resolution shall be reported from any such committee except upon the assent of a majority of the members thereof. No proxy vote shall be valid.



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b. The report of a committee, upon any matter referred to it, may include a statement of the opinion of any member or members of the committee voting in either the majority or minority.

§ 4. Not less than seven days' notice shall be given of all public hearings before committees. The clerk of each standing committee shall file with the President and the Secretary a notice of all hearings, which notice shall contain the titles and numbers of the propositions, the names of the introducers, and the date and place of such hearing. No such public hearing may be held outside the city of Albany without the prior written consent of the President.

§ 5. a. A standing committee may report a proposition for the consideration of the Convention upon the order of second reading, (1) favorably, with or without amendments, or (2) adversely, or (3) without recommendation.

b. A standing committee may refer any proposition to the Committee on Rules.

§ 6. a. No standing committee shall be discharged from the consideration of a proposition until ten days after the printed proposition has been assigned to the committee by the Index Clerk.

b. A standing committee shall not be discharged from the consideration of a proposition except upon a three convention days' notice in writing and by a vote of a majority of all the Delegates elected to the Convention.

c. Except with the unanimous consent of the Convention, no motion shall be in order on and after August 22nd, 1967, to discharge the Committee on Rules from the consideration of a proposition.

§ 7. a. Each committee, except the Committee on Rules, the Committee on Style and Arrangement and the Committee on Presentation of Proposed Constitution, shall make its final report upon matters referred to it on or before August 14th, 1967, unless the President extends the time of any such committee therefor.

b. After August 14th, 1967, each such committee may report only upon those propositions recommitted to it from the order of second reading, or referred to it by the Committee on Rules, pursuant to paragraph b of section five of Rule XII.

§ 8. a. The chairman of any committee may establish sub-committees thereof, subject to the approval of the Committee on Rules. Each such sub-committee shall be composed, insofar as practicable, of Majority and Minority members in the same proportion prescribed for the respective full committee in section two hereof.

b. The chairman of each such committee shall appoint the chairman and Majority members of each sub-committee so established.

c. The vice-chairman of each such committee shall appoint the vice-chairman and Minority members of each sub-committee so established.

§ 9. a. The secretary of each committee shall coordinate all the activities of such committee and its subcommittees, under the direction of the committee chairman.

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b. When requested by the chairman of such committee, such secretary shall act as liaison among such committee, the Committee on Style and Arrangement, and all other committees as may be required to integrate the activities of his committee with those of the Convention.

§ 10. The President shall appoint ex-officio members of such committees as he may determine from among the Vice-Presidents, Majority Leader and Minority Leader. Such ex-officio members shall be entitled to the same rights and privileges as all other members, except the right to vote.

### RULE X

#### COMMITTEE ON RULES

Section 1. The Committee on Rules may sit at any time, but may not report a proposition to the order of second reading or to the special order of second and third reading prior to August 15th, 1967.

§ 2. The reception and consideration of a report of the Committee on Rules by the Convention shall always be in order.

§ 3. a. In addition to all other powers of a standing committee, the Committee on Rules shall have power to report a proposition directly to the special order of second and third reading, without submission to the Committee on Style and Arrangement prior to final passage.

b. Such report to the special order of second and third reading shall be subject to the approval of a majority of the Delegates present.

c. Debate on the adoption of such report shall not exceed one hour, one-half hour for and one-half hour against, such time to be allotted by the Majority and Minority Leaders.

d. Until the vote of the Convention is had thereon, no other motion, except a motion by the Majority Leader for a quorum call of the Convention, or to adjourn or to recess, shall be in order.

### RULE XI

#### ORDER OF BUSINESS

Section 1. The first business of each day's session shall be the reading of the Journal of the preceding day, and the correction of any errors that may be found to exist therein. Immediately thereafter, except on days and at times set apart for the consideration of special orders, the order of business, which shall not be departed from except by a vote of two-thirds of the Delegates present, to be determined by a call of the roll, shall be as follows:

1. Messages from the Governor
2. Introduction of propositions and references to committee
3. Reports of committees
4. Propositions on second reading
5. Propositions on special order of second and third reading
6. Propositions on special order of third reading
7. Propositions on third reading
8. Introduction of resolutions
9. Committee notices

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§ 2. Notwithstanding the foregoing, reports from the Committee on Rules shall be received at any time, subject to the limitation contained in section one of Rule X.

§ 3. When consideration of the orders of the day is not completed, those not acted upon shall be the orders for the next and each succeeding day until disposed of, and shall be entered first in the calendar without change in their order.

§ 4. In all cases where unanimous consent is asked for advancing a proposition or entertaining a motion or resolution out of its order, it shall be the duty of the President to state such request and determine if such consent will be granted by the Convention.

§ 5. Any matter may be made a special order for any particular day by the assent of two-thirds of the Delegates present. When so made, a similar vote shall be requisite to rescind or postpone.

§ 6. Petitions, memorials and remonstrances may be presented to the Secretary at the close of each day's session.

## RULE XII

### INTRODUCTION OF PROPOSITIONS

Section 1. Every proposed amendment to the Constitution shall be referred to as a proposition.

§ 2. A proposition may be introduced only by a Delegate, or by a chairman of a standing committee on behalf of a majority of such committee.

§ 3. The title of each proposition introduced shall state concisely its subject matter. Matter which is proposed to be eliminated from the existing Constitution shall be in brackets, and new matter shall be underscored and when printed shall be in italics.

§ 4. Every proposition shall be introduced in quadruplicate and shall be deemed to have had its first reading when presented by the introducer to the Index Clerk and referred as provided in section five hereof.

§ 5. a. All propositions introduced prior to August 8th, 1967, shall be referred by the President to a standing committee, except the Committee on Rules, to consider and report thereon in the manner provided in section five of Rule IX. The President may change the reference of any proposition so referred upon the assent of two-thirds of the Delegates present.

b. All propositions introduced on and after August 8th, 1967, shall be referred to the Committee on Rules. A proposition so referred to the Committee on Rules may be further referred by it to a standing committee and shall be considered and reported by such standing committee in the manner provided in section five of Rule IX within the time allowed therefor by the Committee on Rules when making such further reference.

§ 6. Every proposition upon its introduction shall receive a proposition number, which shall not change. However, a letter of the alphabet, beginning with "A", shall be added to the proposition number each time such proposition is amended.

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§ 7. One copy of each proposition shall, on the day of its introduction, be sent by the Index Clerk to the printer, one copy delivered to the Revision Clerk, which shall be subject to public inspection, one copy delivered to the Legislative Index Company and the fourth copy delivered to the office of the President.

§ 8. A proposition may be amended only as follows:

a. By the introducer, at any time prior to report by the standing committee to which referred.

b. By the standing committee to which referred, when favorably reporting such proposition to the order of second reading.

c. By the Committee on Rules, when favorably reporting a proposition referred to it to the special order of second and third reading.

d. By the Committee on Style and Arrangement, when transmitting a proposition to the order of third reading.

e. By any Delegate, when a proposition is on the order of second or third reading, upon the assent of a majority of all the Delegates elected.

§ 9. No amendment may be offered to any proposition or to any amendment to such proposition which is not germane to the original object or purpose thereof.

§ 10. A Delegate or committee offering an amendment to a proposition in accordance with section eight of this Rule shall submit to the Journal Clerk four copies of the proposition with the proposed amendment correctly marked thereon, together with six copies of the detailed description of the amendment.

§ 11. a. No proposition may be introduced by a Delegate after June 1st, 1967.

b. No proposition may be introduced by a committee, except the Committee on Rules, after June 20th, 1967.

## RULE XIII

### ACTION ON PROPOSITIONS

Section 1. a. Each proposition on the order of second reading may be debated for four hours, but no Delegate shall speak for more than fifteen minutes without the consent of a majority of the Delegates present.

b. A proposition on the order of second reading shall be subject to amendment by any Delegate, and no more than one further amendment may be offered to any such amendment.

c. After completion of debate, a roll call vote shall be had on the question of the advancement of the proposition to the order of third reading, but when amendments are pending, the question shall first be taken upon such amendments in their inverse order.

§ 2. a. A proposition ordered advanced to the order of third reading shall automatically be first submitted to the Committee on Style and Arrangement.

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b. The Committee on Style and Arrangement shall have full power, limited only by the substantive content of the proposition and the will of the Convention as expressed in the debates thereon, to edit, arrange, revise, simplify, consolidate, cross reference, renumber, and to take any other action it deems necessary and proper to harmonize and conform such proposition with the other provisions of the Constitution.

c. The Committee on Style and Arrangement shall transmit all such propositions submitted to it to the order of third reading, with or without amendment, in accordance with this section.

§ 3. a. A proposition on the order of third reading may be debated for four hours, but no person shall speak for more than fifteen minutes without the consent of a majority of the Delegates present.

b. Such proposition on the order of third reading shall be subject to amendment by any Delegate, and no more than one further amendment shall be offered to any such amendment.

c. After completion of debate, a roll call vote shall be had on the question of the final passage of the proposition, but when amendments are pending, the question shall first be taken upon such amendments in their inverse order.

d. In the event that a proposition is amended on the order of third reading, a vote on final passage shall not be taken thereon, but such proposition shall automatically be reprinted and submitted to the Committee on Style and Arrangement in the same manner and with the same effect as a proposition advanced from the order of second reading.

§ 4. When a proposition on the order of second or third reading is under consideration and it appears that no Delegate desires to be heard further, the President shall put the question: "Does any Delegate desire to be heard further?" If no Delegate shall rise to debate, the President shall declare the debate closed; except that thereafter the Minority Leader may speak once, or may yield the floor to any Delegate who may speak once, and may be followed by the Majority Leader who may also speak once, or may yield the floor to any Delegate who may speak once.

## RULE XIV RESOLUTIONS

Section 1. Resolutions may be introduced only by a Delegate, or a Chairman of a standing committee on behalf of a majority of such committee. Each resolution shall be introduced in quadruplicate by delivering same to the Index Clerk. No resolution may be introduced unless copies thereof first shall have been furnished the President, the Majority Leader and the Minority Leader. The President shall refer such resolutions to an appropriate committee to consider and report thereon.

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RULE XV  
MOTIONS

Section 1. When a question is before the Convention, only the following motions shall be received, and such motions shall have precedence in the following order:

1. For an adjournment
2. For a recess
3. For a quorum call
4. For the previous question
5. To lay on the table
6. To postpone to a certain day
7. To commit to a committee
8. To submit to the committee on Style and Arrangement from the order of third reading
9. To amend
10. To postpone indefinitely
11. To strike from the calendar

§ 2. A motion for an adjournment, for a recess, for a quorum call, for the previous question, to lay on the table, or to commit to a committee from the order of third reading, shall be neither amendable nor debatable. A motion to postpone indefinitely shall not be amendable.

§ 3. The "previous question" shall not be in order until after the time allowed for debate has elapsed or until debate has been closed, and shall be put as follows: "Shall the main question now be put?" and until it is decided, shall preclude all amendments or debate. When, on taking the previous question, the Convention shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be the advancement or passage of the proposition, resolution or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their inverse order.

§ 4. a. A motion to reconsider any vote must be made on the same day on which the vote proposed to be reconsidered was taken, or within the three convention days next succeeding such day, and except in the case of a vote on the final passage of a proposition, by a member who voted in the majority. Such motion may be made under any order of business but shall be considered only under the order of business in which the vote proposed to be reconsidered occurred. The motion to reconsider the vote on the final passage of any proposition shall be privileged to any member.

b. When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon any of the following motions:

- To adjourn
- To lay on the table
- To take from the table; or
- For the previous question

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### RULE XVI

#### SUSPENSION OF THE RULES

Section 1. a. A Rule of the Convention shall not be temporarily altered, suspended or rescinded unless one Convention day's notice shall be given of the motion therefor; provided however, that such notice shall not be necessary on the last day of the Convention.

b. A vote of two-thirds of the Delegates present shall be required to effect such alteration, suspension or rescission.

c. Both the notice and the motion shall specify the object of the temporary alteration, suspension or rescission and in the case of the adoption of such motion, it shall be held to apply only to the object specified therein.

d. Such notice shall be given and such motion made under the order of business in which the matter proposed to be affected by such alteration, suspension or rescission stands.

§ 2. Notwithstanding the provisions of section one of this Rule, a Rule of the Convention may be temporarily altered, suspended or rescinded by unanimous consent.

§ 3. a. A motion to amend a Rule of the Convention shall not be made on less than five Convention days' notice.

b. A vote of two-thirds of the Delegates present shall be required to effect such amendment.

### RULE XVII

#### LOBBYING

Section 1. The provisions of section sixty-six-b\* of the Legislative Law, as supplemented by section two hereof, respecting the registration and conduct of persons, firms, corporations or associations engaged in lobbying in connection with the Convention, are hereby adopted and promulgated as Rule XVII of the Rules of the Convention, with the same force and effect as if fully set forth herein.

§ 2. For all periods subsequent to April 3rd, 1967, the itemized statements required by subdivision six of section sixty-six-b of the Legislative Law shall be filed monthly, not later than the tenth day of the month following the calendar month during which such expenditures were paid, incurred or promised, directly or indirectly; provided, however, no such statement need be filed if the total of such itemized expenditures during any such calendar month is less than one hundred dollars.

### RULE XVIII

#### CONVENTION CHAMBER

Section 1. The Assembly Chamber in the Capitol shall be the Convention Chamber, and the Convention shall hold its deliberations therein. The galleries of such Chamber shall be open to the public at all times that the Convention is in session.

\* For provisions of § 66-b of Legislative Law, see Appendix A.



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§ 2. The President shall have jurisdiction over and control of the Convention Chamber, and the lobbies, parlor and galleries thereof, and of the rooms, corridors and passages in that part of the Capitol assigned to the use of the Convention.

§ 3. a. The following persons shall be entitled to admission to the floor of the Convention Chamber, as guests, during the sessions of the Convention:

1. The Governor and Lieutenant-Governor
2. Former Governors and Lieutenant-Governors
3. Judges of the Court of Appeals and Justices of the Supreme Court
4. The Members of the Legislature
5. Former Temporary Presidents of the Senate and Speakers of the Assembly
6. State officers and their deputies
7. Regents of the University of the State of New York
8. United States Senators and Congressmen
9. Persons in the exercise of an official duty directly connected with the business of the Convention
10. Representatives of the public news media, as provided by section eight of Rule II

b. No other person shall be admitted to the Convention floor during the session, except upon the permission of the President or by vote of the Convention; and persons so admitted shall be allowed to occupy places only in the seats in the rear of the Convention Chamber. Any such permission granted by the President may be revoked by him at pleasure, or upon the order of the Convention.

c. No lobbyist shall be permitted on the floor of the Convention Chamber.

§ 4. a. No person shall have access to or be permitted within the confines of the President's rostrum during the session of the Convention, except employees of the Convention in the discharge of their official duties.

b. During the sessions of the Convention, no person other than a Delegate shall occupy the chair of a Delegate.

## RULE XIX CONTEMPTS

Section 1. a. A violation of any provision of any Rule of the Convention shall be deemed a contempt of the Convention.

b. In addition to any other penalty or punishment provided by law, a person so offending shall be brought before the bar of the Convention, which may summarily punish such person by imprisonment for a term not extending beyond the final adjournment thereof.

§ 2. In addition to any other penalty or punishment thereby prescribed, a violation of any provision of law applicable to the Convention shall also be deemed to be a contempt of the Convention for the purposes of this Rule.

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COMMITTEE ON ETHICS AND GUIDANCE

STATE OF NEW YORK

IN CONVENTION

Albany, *April 5, 1967*

Resolution No. 7

By Mr. SCILEPPI

**RESOLUTION OF THE CONSTITUTIONAL CONVENTION**

**Proposing the creation of the Select Committee on Ethics and Guidance for the Constitutional Convention, and prescribing its powers and duties**

Whereas, The maintenance of the highest moral and ethical standards which are worthy and warrant the confidence of the people is a matter of utmost concern to the Constitutional Convention; and

Whereas, The Office of Delegate to this Convention, one of the highest offices which may be conferred by the people, demands that it be held as a public trust; and

Whereas, In return for this trust, the people are entitled to know that no conflict between private interests and official duties exists in those who serve them at the Constitutional Convention; and

Whereas, Legislation has been enacted and rules adopted by the Convention which establish ethical standards for both Delegates and employees of the Convention; now, therefore, be it

Resolved, That a select committee of the Convention, to be known as the Select Committee on Ethics and Guidance for the Constitutional Convention, be and hereby is created. Such committee shall consist of four members, to be appointed by the President, two of whom shall be appointed on recommendation of the Minority; and be it further

Resolved, That such committee shall receive any complaints or charges that any Delegate or employee of the Convention has violated any provision of law or rule of the Convention relating to the conduct or activities of Delegates or employees of the Convention, or has otherwise conducted himself in relation to his official duties so as to warrant the censure of the Convention; and be it further

Resolved, That such committee may conduct such investigations of complaints or charges and report their findings with appropriate recommendations to the Convention and to the proper law enforcement officers if criminal prosecution may be warranted; and be it further

Resolved, That such committee, upon request of any Delegate or employee of the Convention, may inquire and advise whether a particular case involving such person comes within the prohibitions contained in any law or rule of the Convention relating to the conduct of Delegates or employees of the Convention.

Adopted.

COMMITTEE ON LOBBYING  
STATE OF NEW YORK  
IN CONVENTION

Albany, April 5, 1967

By Mr. FROESSEL

Resolution No. 8

RESOLUTION OF THE CONSTITUTIONAL CONVENTION

Proposing the creation of the Select Committee on Lobbying for the Constitutional Convention, and prescribing its powers and duties

Whereas, It is of utmost importance to all the citizens of this State that the work of the Constitutional Convention be carried on with careful deliberation free from interruption and interference; and

Whereas, The decisions made by the Constitutional Convention will affect the lives and interests of many persons and groups within the State for many years to come; and

Whereas, It is inevitable that representatives of various groups, both public and private, will be present to promote and protect the interest of their members; and

Whereas, This practice of special representation, commonly known as "lobbying," has long been recognized and accepted on both the federal and State level; and

Whereas, Article one of our State Constitution prohibits the passage of any law abridging the right of the people to petition their government; and

Whereas, While lobbying per se is not inherently evil or harmful, certain practices connected therewith may develop at the Convention which would adversely affect the public interest; and

Whereas, It is the belief of the Delegates of this Convention, recognizing the constitutional rights granted by Article one of the State Constitution, that the best interests of each and every citizen of this State will be protected by the creation of a special committee to investigate complaints concerning the conduct of persons retained or employed for compensation to promote or oppose, directly or indirectly, the adoption of proposed constitutional amendments; now, therefore, be it

Resolved, That a special committee of the Constitutional Convention, to be known as the Select Committee on Lobbying, be and the same hereby is created. Such committee shall consist of four members, to be appointed by the President, two of whom shall be appointed on recommendation of the Minority; and be it further

Resolved, That such committee shall have the power and it shall be its duty to investigate complaints relating to the violation of any provision of law or rule of the Convention governing the conduct of persons, firms, corporations and associations engaged in lobbying in connection with the Convention; and be it further

Resolved, That such committee shall make a report of its findings with appropriate recommendations to the Convention and to the proper law enforcement officers if criminal prosecution be warranted.

Adopted.

APPENDIX

## APPENDIX A

### Provisions of law relating to lobbying

Chapter 7, Laws of 1967

#### AN ACT

To amend the legislative law, in relation to lobbying in connection with the constitutional convention convening in the year nineteen hundred sixty-seven, and providing penal sanctions for violation of rules or regulations of such convention relating thereto

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The legislative law is hereby amended by inserting therein a new section, to be section sixty-six-b, to read as follows:

§ 66-b. Registration and reports by certain persons promoting or opposing the adoption of proposed constitutional amendments by the constitutional convention convening in the year nineteen hundred sixty-seven.

1. Every person retained or employed for compensation by any person, firm, corporation or association who, on behalf of such principal or employer, promotes or opposes directly or indirectly the adoption of a proposed constitutional amendment or amendments by the constitutional convention convening in the year nineteen hundred sixty-seven, whether or not he has a personal interest therein, shall, before any service is entered upon in promoting or opposing such proposed constitutional amendment or amendments, file in the office of the secretary of state a writing subscribed by such person stating the name or names of the person or persons, firm or firms, corporation or corporations, association or associations by whom or on whose behalf he is retained or employed, together with a brief description of the proposed constitutional amendment or amendments in reference to which such service is to be rendered.

2. It shall be the duty of the secretary of state to provide a docket to be known as the docket of constitutional convention appearances, with appropriate blanks and indices, and to forthwith enter therein the names of the persons so retained or employed and of the persons, firms, corporations or associations retaining or employing them, together with a brief description of the proposed constitutional amendment or amendments in reference to which the service is to be rendered, which docket shall be open to public inspection.

3. Upon the termination of such retainer or employment the fact of such termination, with the date thereof, shall be entered in the docket by the secretary of state upon receiving written notice to that effect from such person or from the person, firm, corporation or association in whose behalf such service has been rendered.

## APPENDIX A

4. No person, firm, corporation or association shall retain or employ any person to promote or oppose any proposed constitutional amendment or amendments for compensation contingent in whole or in part upon the adoption or defeat of any such amendment or amendments by the constitutional convention, and no person shall accept any such employment or render any such service for compensation contingent upon such adoption or defeat.

5. No person shall for compensation engage in promoting or opposing any proposed constitutional amendment or amendments by such constitutional convention except upon appearance entered in accordance with the foregoing provisions of this section.

6. It shall be the duty of every person, firm, corporation, public or private, or association, (whether or not required to file pursuant to the provisions of subdivision one hereof), not later than April fifteenth, nineteen hundred sixty-seven, to file in the office of the secretary of state an itemized statement verified by the oath of such person, or in case of a firm by the oath of a member thereof, or in case of a domestic corporation or association by the oath of an officer thereof, or in case of a foreign corporation or association by the oath of an officer or agent thereof, showing in detail all expenses paid, incurred or promised directly or indirectly through April third, nineteen hundred sixty-seven, in connection with promoting or opposing any constitutional amendment or amendments which may be proposed at such constitutional convention, with the names of the payees and the amount paid to each, including all disbursements paid, incurred or promised to persons employed or retained up to such date, and also specifying the nature of such constitutional amendment or amendments, and the interest therein of such person, firm, corporation or association; provided however no such itemized statement need be filed if the total of such itemized expenses for the period ending April third, nineteen hundred sixty-seven is less than two hundred fifty dollars.

7. The provisions of this section shall not apply to the state nor shall subdivisions one, five and nine of this section apply to a county, city, town, village, public board or institution, or their agents or employees; nor shall the provisions of this section be construed as affecting professional services in drafting a proposed constitutional amendment or amendments or in advising clients or in rendering opinions as to the construction and effect of any constitutional amendment or amendments which may be proposed at such convention where such professional service is not otherwise connected with constitutional convention action.

8. On or before April twenty-fourth, nineteen hundred sixty-seven, the secretary of state shall furnish to each delegate to such convention a summary of the information contained in the docket of constitutional convention appearances, and on or before such date shall also transmit to the president of such constitutional convention a copy of every statement filed in his office up to and including such date pursuant to subdivision six of this section.

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9. Every person, every member of any firm, and every association or corporation violating any provision of this section and every person causing or participating in a violation thereof shall be guilty of a misdemeanor and, in case of an individual, shall be punishable by imprisonment in a penitentiary or county jail for not more than one year or by a fine of not more than one thousand dollars or by both, and, in case of an association or corporation, by a fine of not more than one thousand dollars. And in addition to the penalties hereinbefore imposed any corporation or association failing to file the statement of expenses prescribed by this section shall forfeit to the people of the state of New York the sum of one hundred dollars per day for each day following the expiration of thirty days after the time fixed by subdivision six for filing such statement, to be recovered in an action to be brought by the attorney general.

§ 2. The provisions of section sixty-six-b of the legislative law, as added by this act, shall remain in force and effect only until the constitutional convention convening in nineteen hundred sixty-seven shall adopt rules or regulations governing the registration or conduct of persons, firms, corporations or associations engaged in lobbying in connection with such convention, and thereafter such section shall remain in force and effect only to the extent not inconsistent with such rules or regulations.

§ 3. Thirty days after the adoption and filing in the office of the secretary of state by the constitutional convention of nineteen hundred sixty-seven of rules or regulations governing the registration or conduct of persons, firms, corporations or associations engaged in lobbying in connection with such convention, any person, firm, corporation or association who or which violates any such rule or regulation, in addition to any other penalty provided by law, shall be guilty of a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than one thousand dollars, or by both. If the constitutional convention shall adopt such rules or regulations the secretary of state shall perform the duties imposed upon him therein.

§ 4. This act shall take effect immediately, except that subdivision nine of section sixty-six-b of the legislative law, as added by this act, shall take effect March first, nineteen hundred sixty-seven.

## APPENDIX B

### Provisions of law relating to operation of 1967 Constitutional Convention and conduct of delegates and employees

Chapter 124, Laws of 1967

#### AN ACT

In relation to the constitutional convention to be held in the year nineteen hundred sixty-seven, and to amend the civil rights law, in relation thereto

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The delegates to the constitutional convention to be held in the year nineteen hundred sixty-seven shall convene at noon on the first Tuesday of April of the year nineteen hundred sixty-seven in the assembly chamber at the state capitol. It shall be the duty of the secretary of state to call the convention to order, call the roll thereof, administer the constitutional oath of office to the delegates, and preside at all meetings thereof until a president or other presiding officer, either temporary or permanent, shall have been elected by such convention and shall have taken his seat.

§ 2. The commissioner of general services shall give notice in accordance with the provisions of the state printing law, that on the thirty-first day of March, nineteen hundred sixty-seven, he will receive sealed proposals for the printing of the documents, journals and proceedings of the convention. The commissioner shall publicly open the proposals received pursuant to such notice and shall transmit the same to the convention at its first session, together with a recommendation by him as to the bid, the acceptance of which he considers most advantageous and with a blank form of contract in accordance with such recommendation for the use of the convention should it so determine.

§ 3. The delegates to the convention shall not be questioned in any other place for any speech or debate in the convention or in any proceeding directly connected therewith.

§ 4. a. The chairman of a standing or select committee of the convention, or subcommittee of any such committee composed of at least three delegates, or a majority thereof, may issue a subpoena requiring a person to attend a public or private hearing of such committee or subcommittee held at any place within the state and be examined in reference to any matter within the scope of the inquiry or investigation being conducted, and, in a proper case, to bring with him books, papers, documents and other evidence. Any such committee or subcommittee shall have generally all the powers of a legislative committee as provided by the legislative law. Any delegate or employee of the convention may administer an oath to a witness at any such hearing.



## APPENDIX B

b. No such committee or subcommittee shall have the power to take testimony at a public or private hearing unless at least two of its members are present at such hearing.

c. The provisions of the civil practice law and rules in relation to enforcing obedience to a subpoena lawfully issued by a judge, arbitrator, referee or other person in a matter not arising in an action in a court of record shall apply to a subpoena issued as authorized by this section.

§ 5. In addition to any other penalty or punishment otherwise provided by law, the convention shall have the power to punish by imprisonment, for a term not extending beyond the final adjournment thereof, as a contempt, the following offenses:

a. Disorderly conduct of its members, employees or others in the immediate view and presence of the convention and directly tending to interrupt and disturb its proceedings.

b. Refusing to attend or be examined as a witness or to produce papers and documents called for by subpoena before a standing or select committee, or subcommittee thereof, or before any person authorized by a standing or select committee, or subcommittee thereof, to take testimony.

c. Giving or offering a bribe to any delegate or attempting by menace or other corrupt means, or inducement or device, directly or indirectly, to control or influence a delegate in his vote or other official conduct in or in relation to the convention.

d. Violating any provision of any rule or regulation of the convention which rule or regulation makes the violation thereof punishable as a contempt of the convention.

§ 6. All departments, public officers, boards and commissions of the state and of any civil division thereof shall promptly furnish to the convention and to any standing or select committee, or subcommittee thereof, whenever so ordered or required, such facilities, assistance, data, information, papers, statements, books or documents that the convention or such committee or subcommittee shall deem of use in its deliberations or to properly carry out its powers and duties.

§ 7. a. A person who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a delegate to the convention, or to a person who has been elected a delegate thereto, or attempts, directly or indirectly by menace, deceit, suppression of truth, or other corrupt means, to influence such a delegate or person to give or withhold his vote, or to absent himself from the convention of which he is, or is to become, a delegate, or from any standing or select committee, or subcommittee thereof, is punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

b. A delegate to the convention, or a person elected to become a delegate thereto, who asks, receives, or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or

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action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives or offers or promises to give any official vote in consideration that another delegate to the convention, or person elected to become such a delegate, shall give any such vote, either upon the same or another question, is punishable by imprisonment for not more than ten years, or by a fine of not more than five thousand dollars, or both.

§ 8. No employee of the convention shall, except within the scope of his convention employment, directly or indirectly, promote or oppose the passage of any proposed constitutional amendment or resolution by the convention. A violation of this section shall constitute a misdemeanor, punishable by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or both.

§ 9. a. No person, firm, association or corporation shall televise, broadcast, take motion pictures or arrange for the televising, broadcasting, or taking of motion pictures of proceedings of a standing or select committee, or subcommittee thereof, of the convention, in which the testimony of witnesses by subpoena or other compulsory process is or may be taken, except upon (1) the prior consent of the chairman of such committee or subcommittee and the concurrence of a majority of the members thereof present at such proceedings that it is in the public interest to permit such televising, broadcasting or taking of motion pictures, and (2) the written consent of the witness so testifying obtained prior to his testifying.

b. A person, firm, association or corporation who or which televises, broadcasts or takes motion pictures of proceedings of the convention or of a standing or select committee, or subcommittee thereof, or who arranges therefor, in violation of the provisions of this section is punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

c. The provisions of this section shall supersede inconsistent provisions of section fifty-two of the civil rights law or any other law.

§ 10. Paragraph (a) of subdivision one of section seventy-three of the civil rights law, as added by chapter four hundred fourteen of the laws of nineteen hundred fifty-four, is hereby amended to read as follows:

(a) "Agency". A standing or select committee of either house of the legislature or a joint committee of both houses; a duly authorized subcommittee of any such legislative committee; the commissioner of investigation acting pursuant to section eleven of the executive law; a commissioner appointed by the governor acting pursuant to section six of the executive law; the attorney general acting pursuant to subdivision eight of section sixty-three of the executive law; any temporary state commission or any duly authorized subcommittee thereof which has the power to require testimony or the production of evidence by subpoena or other compulsory process in an investigation

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being conducted by it; and any standing or select committee, or sub-committee thereof, of the constitutional convention to be held in the year nineteen hundred sixty-seven.

§ 11. This act shall take effect immediately, except that section seven hereof shall take effect April first, nineteen hundred sixty-seven.

## APPENDIX C

Provisions of law relating to publication by the secretary of state  
of an abstract of the proposed Constitution or amendments

Chapter 169, Laws of 1967

### AN ACT

To amend a chapter of the laws of nineteen hundred sixty-seven, entitled "An act in relation to the constitutional convention to be held in the year nineteen hundred sixty-seven, and to amend the civil rights law, in relation thereto," in relation to publication by the secretary of state of a proposed constitution or constitutional amendments

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sections ten and eleven of a chapter of the laws of nineteen hundred sixty-seven, entitled "An act in relation to the constitutional convention to be held in the year nineteen hundred sixty-seven, and to amend the civil rights law, in relation thereto," are hereby renumbered sections eleven and twelve, respectively, and a new section ten is added to read as follows:

§ 10. a. Notwithstanding any contrary provision of law, the secretary of state shall publish once in each of the four weeks preceding the election at which a proposed constitution and/or proposed constitutional amendments adopted by the convention are to be submitted to the voters of the state:

(1) a recital of this act, by chapter number and year of its enactment, as the law authorizing such publication;

(2) an abstract of the text of such constitution and of each such amendment, if any; and

(3) a brief statement of the form in which it is to be submitted.

b. Such abstract of the text of such constitution and of each such amendment, if any, and such brief statement of the form in which the same is to be submitted shall be prepared by the convention and delivered to the secretary of state, who shall cause the same to be published as prepared by the convention.

c. Such publication shall be made in two newspapers published in each county, except that such publication shall be made in the county of New York, in ten newspapers published in such county and in the counties of Kings, Bronx and Queens in four newspapers published in the city of New York and which have an edition for any of the respective counties. One of such newspapers in each county shall be one representing the party polling at the last preceding gubernatorial

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election the highest number of votes for governor, another of such newspapers in each county shall be one representing the party polling at such election the next highest number of votes for governor, and all such newspapers shall be newspapers of the greatest circulation and shall be paid their usual rate.

^ \ § 2. This act shall take effect immediately.

## APPENDIX D

### Provisions of law relating to a code of ethics Public Officers Law

#### § 74. Code of Ethics.

1. Definition. As used in this section: The term "state agency" shall mean any state department, or division, board, commission, or bureau of any state department.

The term "legislative employee" shall mean any officer or employee of the legislature but it shall not include members of the legislature.

2. Rule with respect to conflicts of interest. No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

#### 3. Standards.

a. No officer or employee of a state agency, member of the legislature or legislative employee should accept other employment which will impair his independence of judgment in the exercise of his official duties.

b. No officer or employee of a state agency, member of the legislature or legislative employee should accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

c. No officer or employee of a state agency, member of the legislature or legislative employee should disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.

d. No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

e. No officer or employee of a state agency, member of the legislature or legislative employee should engage in any transaction as representative or agent of the state with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

f. An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

#### APPENDIX D

g. An officer or employee of a state agency should abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.

h. An officer or employee of a state agency, member of the legislature or legislative employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

i. No officer or employee of a state agency employed on a full-time basis nor any firm or association of which such an officer or employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such officer or employee, should sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the state agency in which such officer or employee serves or is employed.

j. If any officer or employee of a state agency shall have a financial interest, direct or indirect, having a value of ten thousand dollars or more in any activity which is subject to the jurisdiction of a regulatory agency, he should file with the secretary of state a written statement that he has such a financial interest in such activity which statement shall be open to public inspection.

4. Violations. In addition to any penalty contained in any other provision of law any such officer, member or employee who shall knowingly and intentionally violate any of the provisions of this section may be fined, suspended or removed from office or employment in the manner provided by law.



CHAPTER IX

PENNSYLVANIA CONSTITUTIONAL CONVENTION

1967-1968

CONVENTION RULES

## RULES

### RULE 1

#### ELECTION OF OFFICERS

The Convention shall elect from among its Delegates a President, a First Vice President, a Second Vice President and a Secretary. The President and the Second Vice President shall be from one political party different from that of the First Vice President and the Secretary. The Convention shall, by resolution or recommendation, appoint such other officers and employees it deems necessary for the proper conduct of the Convention.

### RULE 2

#### ASSIGNMENT OF DESKS

Delegates to the Convention shall be assigned desks in the Hall of the House of Representatives alphabetically beginning with Seat No. two.

### RULE 3

#### TIME OF DAILY MEETING

The time of convening shall be 1:30 p.m. on Mondays and 9:30 a.m. on other days unless otherwise ordered by a majority vote of the Delegates present.

### RULE 4

#### ADOPTION OF STANDING RULES

The adoption of the Standing Rules shall require an affirmative recorded vote of a majority (82) of the Delegates to the Convention. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these rules.

## RULE 5 SUSPENSION OF RULES

Any standing rule of the Convention may be suspended temporarily by a vote of two-thirds (109) of the Delegates to the Convention, except that rule requiring the consideration of proposals on three different days; Provided, That such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

### RULE 6

#### AMENDING STANDING RULES

No standing rule of the Convention shall be amended except by resolution adopted by an affirmative recorded vote of a majority (82) of the Delegates to the Convention. No such resolution shall be considered until it shall have been referred to the Committee on Rules and reported therefrom by a majority vote of the committee members.

### RULE 7

#### TEMPORARY RULES

The Committee on Rules may at any time report a temporary rule. Upon adoption by an affirmative recorded vote of two-thirds (109) of the Delegates to the Convention, such temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule shall be in conflict with a standing rule, it shall supersede such standing rule only for the time being.

### RULE 8

#### PARLIAMENTARY RULES

In all cases not provided for by these Standing Rules of the Convention, the authority shall be MASON'S MANUAL OF LEGISLATIVE PROCEDURE.

## RULE 8 (Continued)

All parliamentary rulings shall be the responsibility of, and shall be made by, the presiding officer.

### RULE 9

#### THE PRESIDENT

The President shall take the Chair each day at the hour to which the Convention shall have adjourned. He shall call the Convention to order and, except in the absence of a quorum, shall proceed to business in the manner prescribed by these rules.

The President shall possess the powers and perform the duties herein prescribed:

1. He shall preserve order and decorum, and in debate shall prevent personal reflections and shall confine delegates to the question under discussion. When two or more delegates rise at the same time, he shall name the one entitled to the floor.

In case of any disturbance or disorderly conduct on the floor or in the galleries or lobbies, he shall have the power to order the same to be cleared.

2. He shall decide all questions of order, subject to appeal by the Convention. No debate shall be allowed on questions of order unless there be an appeal. On every appeal he shall have the right to state his reason for his decision. In case of such appeal no member shall speak more than once unless by permission of the Convention. On the question of appeal a majority (82) of the Delegates shall be necessary to override a decision by the President.

3. He shall, after consultation with the Vice Presidents and Secretary, appoint all committees, except where the Convention shall otherwise order.

RULE 9 (Continued)

Each committee shall be composed of delegates from each political party and shall be as nearly bi-partisan as possible. The first two delegates named to each committee shall be of different political parties, and shall be designated as chairmen.

- 4. He may authorize any delegate to perform the duties of the Chair, but for no longer than that day.
- 5. When necessary or required, he shall, with the Secretary, certify all official acts including proposals and reports approved by the Convention.
- 6. He shall sign all requisitions upon the State Treasurer and all vouchers for payment of expenditures.
- 7. He shall designate and assign, or authorize the designation of available seating and movement of the persons who shall act as news media representatives within the Convention Hall and committee rooms. Any news media representative called to order by the presiding officer or any delegate must return to his assigned seat or area immediately. Refusal to do so shall be sufficient cause for the removal of such representative for the duration of the convention. He shall authorize the taking of photographs at session and committee meetings of the Convention subject to the following conditions:

- a. The authorization given by the President shall apply only to photographers from, or employed by, accredited newspaper or wire services, and newsreel or television photographers.
- b. The authorization shall extend to all sessions of the Convention and all committee meetings, but shall not extend to executive meetings of such committees.

RULE 9 (Continued)

c. Sound-on-film cameras, and other cameras not in the portable category, shall be permitted in the wall and the two front corners of the Convention Hall and in the committee rooms in such areas as the committee chairmen shall determine. Such cameras shall not be assembled, disassembled or removed while the Convention or committees are in session.

- d. To the extent practical, a flash apparatus shall not be used.
- e. Photographs authorized to be taken shall be in such manner as to cause the least possible inconvenience to the Convention or the committees.
- f. Any photographer called to order by the presiding officer or any delegate must return to his assigned seat or area immediately. Refusal to do so shall be sufficient cause for the removal of such representative for the duration of the convention.

- 8. He shall be a member ex-officio without vote on all committees.
- 9. He shall declare the vote and announce the result according to the fact on all questions and divisions.
- 10. He shall not engage in any debate, or propose his opinion on any question, except the assigning of his reasons for his decisions on any appeal therefrom, without first calling some Delegate to occupy the chair.

11. As a Delegate, he shall have the right to vote on any matter coming before the Convention in the same manner authorized for other Delegates.

RULE 9 (Continued)

12. He shall have authority, subject to approval by the Committee on Administration and Finance to appoint employees. He shall also have the authority to suspend or dismiss any employees for misconduct, incompetency, insubordination or dereliction of duty subject to approval of a majority of the members of the Committee on Administration and Finance. Such decision of the committee shall be made within three Convention Days after referral of such matter to them by the President.

RULE 10

VACANCY, ABSENCE OR INABILITY TO SERVE

President

In the event of a vacancy in the office of the President by death or resignation the First Vice President shall temporarily serve as President until a new President is elected by the Convention. In the event of the absence or the inability of the President to preside the First Vice President shall serve as acting President during such absence or inability to serve.

First Vice President

In the event of a vacancy in the office of First Vice President by death or resignation the Second Vice President shall temporarily serve as First Vice President until a new First Vice President is elected by the Convention. In the event of the absence or inability of the First Vice President, the Second Vice President shall serve as acting First Vice President during such absence or inability to serve.

Second Vice President

In the event of a vacancy in the office of the Second Vice President by death or resignation the Secretary shall

## RULE 10 (Continued)

serve temporarily as Second Vice President until a new Second Vice President is elected by the Convention. In the event of the absence or inability of the Second Vice President, the Secretary shall serve as acting Second Vice President during such absence or inability to serve.

### Secretary

In the event of the vacancy in the office of Secretary by death or resignation the Convention shall elect a new Secretary.

## RULE 11

### THE SECRETARY – POWERS AND DUTIES

The Secretary shall, with the President, when necessary or required, certify all official acts including the proposals or reports approved by the Convention and shall perform such other duties as may be required by law or by the Convention.

In the event of the temporary absence of the Secretary, or in the event of his temporary inability to perform his duties, the President shall designate a Delegate as Acting Secretary from the same political party as the Secretary, to serve until the return of the Secretary.

## RULE 12

### ELECTION CONTESTS AND FILLING OF VACANCIES

1. The Convention shall be the judge of the election and qualifications of its members.
2. In the case of a vacancy in the office of Delegate, if the Delegate is an ex-officio member, the vacancy shall be filled by the person assuming the office.

## RULE 12 (Continued)

3. In the case of vacancy in the office of an elected Delegate, the remaining Delegates of that political party shall elect a successor meeting the qualifications prescribed in subsection (b) of Section 2 of the Act of 1967 which provides:

"Delegates shall be at least twenty-one years of age and shall have been citizens and residents of the State for at least four years. Delegates shall have resided in and been a registered elector of their respective senatorial districts one year next before their election, and shall reside in their respective senatorial districts during their terms of service."

4. A question of the election, returns or qualifications of any Delegate shall be referred to the Rules Committee for investigation and report.

## RULE 13

### SERGEANT-AT-ARMS – DUTIES

1. He shall attend the Convention during its meetings, preserve order and serve all processes issued by authority of the Convention and directed by the President. He shall receive his actual expenses for himself or for an assistant when executing any such processes.
2. He shall see that no person is admitted to the Convention Hall, except in accordance with the provisions of the rules.
3. He shall have general supervision over the Assistant Sergeant-at-Arms, and shall be responsible for their official acts and their performance of and regular attendance upon their duties.
4. He shall have such other duties as may be assigned to him by the President.

## RULE 14

### OFFICIAL REPORTERS – DUTIES

1. There shall be present on the floor of the Convention at least one official reporter during the sessions. They shall record and transcribe, or shall cause the entire proceedings of the Convention to be recorded and transcribed, as concisely as possible, care being taken to record a true and accurate account of the proceedings. These proceedings shall be entered in the Journal of the Convention.
2. They shall include in the Journal:

- a. the number, sponsor(s) and text of every proposal introduced
- b. all resolutions in full
- c. motions
- d. amendment(s)
- e. debate in full
- f. questions of order with decisions
- g. messages
- h. reports
- i. votes (roll call and voice)

3. They shall file in the Office of the Secretary on the day following such proceedings, or as soon thereafter as possible, a complete transcript of the debate, at which time each Delegate shall have the right to edit his remarks, if done within two succeeding Convention Days.

RULE 16 (Continued)

- Ninth - Introduction of Resolutions
- Tenth - Consideration of Calendar

- (a) Third consideration
- (b) Second consideration
- (c) First consideration
- (d) Resolutions

Eleventh - Unfinished Business

- (a) Reports of committees
- (b) Introduction of proposals
- (c) Introduction of resolutions

Twelfth - Announcements

Thirteenth - Adjournment

Any question may, by a majority vote of the Delegates present, be made a special order of business. Any question having been made a special order for a particular day, and not having been reached on that day, shall be upon the order of "Unfinished Business" on the next succeeding Convention day.

RULE 17

QUORUM

What Constitutes a Quorum

A majority of all the Delegates (82) shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent Delegates.

RULE 17 (Continued)

When Less than a Quorum Vote

When less than a quorum vote upon any subject under the consideration of the Convention, not less than twelve Delegates may demand a call of the Convention. It shall then be the duty of the President to order the doors of the Convention to be closed and the roll of the Delegates to be called. If it is ascertained that a quorum is present, either by answering their names or by their presence in the Convention Hall, the President shall again order the roll to be called; and if any Delegate or Delegates present refuse to vote, such refusal shall be deemed and recorded as a negative vote.

When Less than a Quorum Present

When, upon a call, which may be demanded by not less than twelve Delegates, it is found that less than a quorum is present, the Secretary shall immediately report to the Convention the names and reasons for leave of absence of any Delegate and it shall be the duty of the President to order the doors of the Convention to be closed and to order the Secretary or Clerk to call the roll of the Convention and to note the absentees for which no leave has been granted, after which the names of the absentees shall again be called. Those for whose absence no excuse has been granted, may, by order of a majority of the Delegates present, be sent for and taken into custody by the Sergeant-at-Arms or his assistants appointed for the purpose, and be brought before the bar of the Convention where, unless excused by a majority of the Delegates present, they shall be reproved by the President for neglect of duty.

Admission of Delegates During Quorum Call

Delegates who voluntarily appear during a quorum call shall be admitted to the Convention Hall. Upon recognition by the President, they shall announce their presence and their names shall be recorded on the roll.

RULE 14 (Continued)

- 4. They shall deliver such edited transcript to the printer for the printing of the daily Journal.

RULE 15

ADMISSION TO THE FLOOR OF THE CONVENTION

It shall be the duty of the Sergeant-at-Arms to prevent all persons except Delegates, officers and employees of the Convention and properly accredited photographers, newspaper representatives, radio and television personnel from coming within the bar of the Convention Hall, unless upon invitation of the President.

No other person shall be permitted to occupy the seat of a Delegate at any time.

RULE 16

ORDER OF BUSINESS

At the meetings of the Convention the order of business shall be as follows:

- First - Call to Order
- Second - Prayer
- Third - Reading and Approval of Journal
- Fourth - Leaves of Absence
- Fifth - Roll Call
- Sixth - Communications and Petitions
- Seventh - Reports of Committees
- Eighth - Introduction of Proposals

#### RULE 17 (Continued)

Visitors Barred from Convention Hall During Quorum Call

Visitors shall not be admitted to the Convention Hall after the doors are closed, nor until the proceedings under the call are terminated.

Quorum Call Undebatable

These proceedings shall be without debate and no motion, except to adjourn, shall be in order.

#### RULE 18

##### RIGHTS AND DUTIES OF DELEGATES

Delegates must be Present Unless Excused

Every Delegate shall be present in the Convention Hall during the sessions, unless previously excused or prevented from attending by illness or other sufficient cause, and shall vote on each question stated by the chair unless excused under the provisions of Rule 19. It shall be the duty of any Delegate to report to the Secretary of the Convention the cause for his absence.

Recognition by President

When a Delegate desires to address the Convention, he shall rise and respectfully address himself to "Mr. President." Upon recognition, he may speak, confining himself to the question under consideration. When two or more Delegates rise at the same time, the President shall designate the Delegate who is entitled to the floor. Such decision shall not be subject to appeal.

Personal Explanation

Any Delegate may rise to explain a matter personal to himself and shall be recognized by the President, but he

#### RULE 18 (Continued)

shall not discuss a question in such explanation. The question of personal privilege shall be limited to questions affecting the rights, reputation and conduct of the Delegates in their capacity as Delegates.

Calling Delegates to Order

If any Delegate transgresses the Rules of the Convention in any way, the President shall, or any Delegate may, call the offending Delegate to order. The Delegate so called to order shall immediately take his seat until the President, without debate, shall have determined whether or not he is in order. Such decision by the President shall be subject to an appeal to the Convention. If the decision is in his favor, he shall be at liberty to proceed; if otherwise, he shall not proceed without leave of the Convention.

Offensive Words

If any Delegate is called to order for offensive words spoken in debate, the Delegate calling him to order shall state to the Convention the words to which exception is taken. If a majority of the Delegates present decide the words are offensive, they shall be stricken from the Journal.

Disorderly Conduct

Whenever any Delegate is called to order and such Delegate fails to sit down and be in order, but continues to be disorderly, it shall be the duty of the Sergeant-at-Arms and/or his assistants, upon the direction of the President, to require such Delegate to take his seat and be in order.

Any Delegate who persists in disorderly conduct after being warned by the President may, by motion duly made and carried by a majority of the Delegates present, be required to purge himself of such misconduct; and until such Delegate has purged himself, he shall not be entitled to the privileges of the floor.

#### RULE 18 (Continued)

Interruption While Speaking Prohibited; Exceptions

While a Delegate has the floor, no other Delegate shall interrupt him or otherwise interrupt the business of the Convention, except for the purpose of making a point of order, calling him to order, or for the purpose of moving the previous question, or for the purpose of demanding that a point of order under discussion or consideration be immediately decided.

Any Delegate shall, though another Delegate has the floor, be recognized by the President and be in order to call to order the Delegate, to make a point of order, or to move the previous question, or to demand that a point of order be immediately decided.

Arrest and Questioning Restricted

Every Delegate shall in all cases, except treason, felony, violation of their oath of office, and breach of surety of the peace, be privileged from arrest during their attendance at the session of the Convention and in going to and returning from the same; and shall not be questioned in any other place for any speech or debate in the Convention or in any proceeding directly connected therewith.

#### RULE 19

##### VOTING

Delegates Required to be Present and Vote; Refusal is Negative Vote

Every Delegate shall be present within the Convention Hall during the session of the Convention, unless duly excused or necessarily prevented, and shall be recorded as voting for or against each question stated from the Chair which requires a roll call vote, unless excused by the Convention. The refusal of any Delegate to vote shall be deemed



## RULE 19 (Continued)

and recorded as a negative vote on each question on which such refusal to vote is recorded, unless he be excused or unless he have a direct personal or pecuniary interest in connection with the pending question.

Delegate Having Personal Interest not to Vote

A Delegate who has a personal or private interest in any proposal pending before the Convention shall disclose the fact to the Convention, and shall not vote thereon.

Excused from Voting

A Delegate desiring to be excused from voting shall, when a roll is called, make a brief statement of the reasons for making such request, and the question on excusing him shall then be decided by the President without debate.

Changing Vote Prohibited; Explanation if Absent

No Delegate may vote or change his vote after the result is announced by the President. Should a Delegate be recorded erroneously on any vote, he may at any time, make a statement to that effect which shall be entered on the Journal. Similarly, should a Delegate be absent when a vote is taken on any question, he may later, with the permission of the Convention, make a statement for entry in the Journal indicating how he would have voted had he been present when the roll was taken, and the reasons therefor may be submitted in writing or delivered orally, not to exceed five minutes.

Delegates Prohibited at Clerk's Desk During Roll Call

No Delegate or other person shall be permitted at the Reading Clerk's desk during the recording, counting or verification of a roll call vote.

## RULE 19 (Continued)

Verification

Upon completion of a roll call and before the result is announced, if there appears to be need for verification, the President may direct the Secretary to verify it, or five Delegates may demand a verification. No Delegate may change his vote after the affirmative or negative roll has been declared verified.

Demanding Yeas and Nays

The yeas and nays on any question may be demanded by not less than ten Delegates.

Electric Roll Call

On any question requiring the yeas and nays, the electric roll call system shall be used. On all other questions to be voted upon, the President may, in his discretion, order the yeas and nays taken by the electric roll call system or voice vote or, upon demand of two Delegates before the result of a vote has been declared, the yeas and nays shall be taken by the electric roll call system.

In the event the electric roll call system is not in operating order, the President shall order all yeas and nays votes to be taken by calling the roll, as provided in the Rules of the Convention.

When the Convention is ready to vote upon any question requiring the yeas and nays and the vote is to be taken by the electric roll call system, the President shall state, "The question . . . . . (designating the matter to be voted upon)." The President shall then unlock the voting machine and announce, "The Delegates shall now proceed to vote." Once the voting has begun, it shall not be interrupted, except for the purpose of questioning the validity of a Delegate's vote before the result is announced.

## RULE 19 - Electric Roll Call (Continued)

When, in the judgment of the President, reasonable time has been allowed all Delegates to vote, he shall ask the question, "Have all Delegates present voted?" After a pause, the President shall lock the machine and instruct the Clerk to record the vote, and the President shall announce the result of the vote.

After the voting machine is locked, no Delegate may change his vote, and the votes of tardy Delegates will not be recorded.

The vote as electrically recorded on the roll of Delegates shall not in any manner be altered or changed by any person.

No Delegate shall vote on behalf of another Delegate, except as hereinafter provided, nor shall any person not a Delegate vote for a Delegate. Any Delegate who shall vote or attempt to vote on behalf of another Delegate, or a person not a Delegate who shall vote or attempt to vote on behalf of a Delegate, may be punished in such manner as a majority (82) of the Delegates determine.

Any Delegate or other person who wilfully tampers with or attempts to disarrange, deface, impair or destroy in any manner whatsoever the electrical voting equipment used by the Convention, or who instigates, aids or abets with the intent to destroy or change the record of votes thereon shall be punished in such manner as a majority (82) of the Delegates determine.

A Delegate who has been appointed by the President to preside as President Pro Tempore may designate another Delegate to cast his vote on any question while he is presiding in accordance with his instructions from the Chair.

Roll Call Not to be Interrupted

When once begun, the recording of the yeas and nays shall not be interrupted.



**RULE 19 (Continued)**

**Roll Call Vote**

When the President or any Delegate is not satisfied with a vote on a pending question, the President may order a roll call vote; or, upon request of two Delegates before the result of the vote is announced, he shall order a roll call vote.

**Explanation of Vote**

A Delegate may submit a written explanation of his vote immediately following the announcement of the result of the vote, and have it printed in the Journal.

**RULE 20  
MOTIONS**

**Adoption by Voice Vote**

When a motion which is in order has been made, the President shall state it. The President shall then say, "Those in favor of the motion will say 'aye'; those opposed will say 'no'."

**Precedence**

Motions shall have precedence in the following order:

- First - To adjourn
- Second - For the previous question
- Third - To recess to a certain time
- Fourth - To lay on the table
- Fifth - To limit or extend limits on debate
- Sixth - To postpone to a certain time

**RULE 20 (Continued)**

Seventh - To commit

Eighth - To amend

Ninth - To postpone indefinitely

Tenth - A main motion

**Adjourn**

A motion to adjourn is not debatable and cannot be amended, and is always in order, except (a) when another Delegate has the floor; (b) when the Convention is voting; (c) during a call of the Convention. A motion to adjourn must be adopted by a majority vote of the Delegates present. When a motion to adjourn is made and seconded, it shall be in order for the President, before putting the question, to state to the Convention any fact or facts relating to the business of the Convention which would seem to render it improper or inadvisable to adjourn. Such statement shall be limited to two minutes.

**Previous Question**

A motion for the previous question shall be put only when demanded by fifteen Delegates, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the Delegates present shall put on end to all debate and bring the Convention to an immediate vote on the pending amendments, if any, and then upon the main question without debate. All incidental questions of order arising after a motion for the previous question has been made shall be decided, whether on appeal or otherwise, without debate.

**Recess**

A motion to recess shall be treated the same as a motion to adjourn, except that it can be amended as to the time and duration of the recess.

**RULE 20 (Continued)**

**Lay on Table**

A motion to lay on the table is not debatable, cannot be amended and requires a majority vote of the Delegates present. Any motion to lay on the table, if adopted, carries with it the main question and everything that adheres to it; provided, however, that a motion to lay on amendment on the table, if adopted, does not carry with it a proposal or resolution or other matter being amended.

**Limit or Extend Debate**

A motion to limit or extend debate is not debatable. It requires a majority vote of the Delegates present and may be applied to any debatable motion or series of motions, but, if not specified to the contrary, applies only to the immediate pending question. It may be made only when the pending question is debatable.

**Postpone - Certain Time**

A motion to postpone to a certain time is debatable only as to the question of postponement and not the main question. It requires a majority vote of the Delegates present.

**Commit**

A motion to commit is debatable only as to the priority of committing the main question and does not open the main question to debate. This motion requires a majority vote of the Delegates present.

**Amend**

A motion to amend is debatable if the amendment is to a debatable question. An amendment may be amended, but an amendment to an amendment may not be amended. This motion requires a majority vote of the Delegates present.

**RULE 20 (Continued)**

Postpone indefinitely

A motion to postpone indefinitely is debatable, requires a majority vote of the Delegates present and opens the main question to debate.

Main

A motion (to adopt, to pass, to approve, to appoint, to elect, to reject, to rescind, etc.) is debatable and requires a majority vote of the Delegates present, unless otherwise required by these rules.

Submitted in Writing - Withdrawal

If the President, or any Delegate, requires it, a motion made shall be reduced to writing. Any motion may be withdrawn by the mover before amendment or decision.

**RULE 21**

**RECONSIDERATION**

When a question has once been decided in the affirmative or negative, it shall be in order for any two Delegates of the prevailing side to move for reconsideration. When the Convention has been equally divided on a question, or a proposal shall have failed to pass, by reason of not having a required majority, it shall be in order for any two Delegates of the negative side to move the reconsideration thereof. Provided, however, That no motion for the reconsideration of any vote shall be in order unless made on the same day the vote was taken, or within the next five days of actual session of the Convention. The motion to reconsider is debatable and requires a majority vote of the Delegates present.

In the event the vote on a proposal is reconsidered and the proposal shall have been referred to the Committee on

**RULE 21 (Continued)**

Arrangement, Submission and Address to the People, it shall be preceded by a motion requesting its return to the Convention for the purpose of reconsideration. The return motion is debatable only as to the purpose of the reconsideration and requires a majority vote of the Delegates present.

When a motion for reconsideration is decided, that decision shall not be reconsidered, and no question shall be twice reconsidered; nor shall any vote be reconsidered upon any of the following motions:

- (a) To adjourn or recess
- (b) To lay or take from the table
- (c) Previous question

**RULE 22**

**COMMITTEES**

Standing and Sub-Committees

There shall be the following standing and Sub-Committees of the Convention:

- 1. Legislative Apportionment, consisting of two Co-Chairmen and the Delegates appointed to the following Sub-Committees:
  - a. Method of Apportionment, consisting of two Co-Chairmen and twelve Delegates.
  - b. Composition of Legislature, consisting of two Co-Chairmen and twelve Delegates.
- 2. Judiciary, consisting of two Co-Chairmen and the Delegates appointed to the following Sub-Committees:

**RULE 22 (Continued)**

- a. Selection of Judges, consisting of two Co-Chairmen and six Delegates.
  - b. Tenure of Judges, consisting of two Co-Chairmen and six Delegates.
  - c. Incompatible Activities of Judges - Removal, Suspension and Discipline of Judges, consisting of two Co-Chairmen and six Delegates.
  - d. Retirement and Post-retirement Service of Judges, consisting of two Co-Chairmen and six Delegates.
  - e. Judicial Administration and Organization, consisting of two Co-Chairmen and six Delegates.
3. Local Government, consisting of two Co-Chairmen and the Delegates appointed to the following Sub-Committees:
- a. Structure and Organization, consisting of two Co-Chairmen and six Delegates.
  - b. Annexation and Boundary Changes, consisting of two Co-Chairmen and six Delegates.
  - c. Local Finance, consisting of two Co-Chairmen and six Delegates.
  - d. Home Rule, consisting of two Co-Chairmen and six Delegates.
  - e. County Government, consisting of two Co-Chairmen and six Delegates.

**RULE 22 (Continued)**

- f. Apportionment, consisting of two Co-Chairmen and six Delegates.
4. Taxation and State Finance, consisting of two Co-Chairmen and the Delegates appointed to the following Sub-Committees:
  - a. Taxation, consisting of two Co-Chairmen and ten Delegates.
  - b. State Debt, consisting of two Co-Chairmen and ten Delegates.
  - c. State Sinking Fund, consisting of two Co-Chairmen and ten Delegates.
5. Style and Drafting, consisting of two Co-Chairmen and sixteen Delegates.
6. Arrangement, Submission and Address to the People, consisting of two Co-Chairmen and sixteen Delegates.
7. Rules, consisting of two Co-Chairmen and sixteen Delegates.
8. Administration and Finance, consisting of two Co-Chairmen and sixteen Delegates.

**Meaning of Committee**

Whenever the term committee is used it shall mean the Co-Chairmen of the standing committee and the members of all of its Sub-Committees unless specifically designated otherwise by these rules.

**Control and Supervision of Proposals**

A majority of all members of a standing committee, which includes all members of any Sub-Committee thereof,

**RULE 22 (Continued)**

shall have control and supervision of all proposals referred to it by the President, and may, by a vote of a majority of the members of a standing committee, consider any proposal referred to one of its Sub-Committees.

**Disagreement**

In the event of any substantive or procedural disagreement between the Co-Chairmen of any standing or Sub-Committee on any subject under their jurisdiction such disagreement shall be referred to the applicable standing committee for determination by a majority vote of the entire membership of such standing committee.

**Reports by Main Committee**

All committee proposals shall be reported to the Convention by a vote of a majority of the entire membership of the standing committee and not by any Sub-Committee thereof.

**Legislative Apportionment - Scope**

The Committee on Legislative Apportionment shall consider and report upon the subject matter of Article II, Sections 16, 17 and 18, of the present Pennsylvania Constitution.

**Judiciary - Scope**

The Committee on Judiciary shall consider and report on Judicial Administration, Organization, Selection and Tenure now covered in part by Article V of the present Pennsylvania Constitution.

**Local Government - Scope**

The Committee on Local Government shall consider and report on the subject matters of Articles XIII, XIV,

**RULE 22 (Continued)**

XV and part of Article IX of the present Pennsylvania Constitution.

**Taxation and State Finance - Scope**

The Committee on Taxation and State Finance shall consider and report on the subject matter of part of Article IX of the present Pennsylvania Constitution.

**Style and Drafting - Function**

The Committee on Style and Drafting shall examine and edit all proposals referred to it for inclusion in the Constitution for the purpose of avoiding inaccuracies, repetition, inconsistencies or poor drafting, and shall consider and make recommendations on any differences, conflicts or unresolved matters of substance. The Committee shall have the authority to rephrase or to regroup proposed language or sections of the proposed authorized changes in the Constitution, but shall have no authority to change the sense or purpose of any proposal referred to it. The Committee shall also be empowered to recommend referral of proposals submitted to it to the originating committee. The Committee shall undertake to resolve any inconsistency or conflict in conference with the originating committee. If the Committee on Style and Drafting shall fail to resolve any such inconsistency or conflict, it shall notify the Convention and await its instructions.

**Arrangement, Submission and Address to the People - Function**

The Committee on Arrangement, Submission and Address to the People shall arrange the sections and articles referred to them by the Convention and shall consider and report to the Convention recommendations concerning the submission to the electorate the proposals agreed upon by the Convention, in accordance with Section 8 of Act 2, Session of 1967.

RULE 22 (Continued)

to each Delegate. Said notice shall include the date, time and location of the hearing, together with a brief description of the subject matter of said hearing.

Method of Requesting to Appear

Persons or organizations desiring to present their views shall be afforded as reasonable an opportunity to do so as far as is possible. Notification of such desire to appear and testify before a committee or sub-committee shall be addressed to the Secretary of the Convention.

Method of Notification to Appear

Persons or organizations requesting an opportunity to appear before a committee or a sub-committee conducting said public hearing shall be notified by the Secretary as to the day, date, time and place of said appearance. Only those persons or organizations scheduled in the foregoing manner will be eligible to appear before a committee or sub-committee. Granting permission to appear shall be at the discretion of the co-chairmen of the Committee or sub-committee which is conducting the hearing.

Method of Submitting Proposals or Views

Persons or organizations scheduled for an appearance before a committee or sub-committee shall submit a typewritten statement covering their proposals or views, not later than three days prior to their appearance before the committee or sub-committee. The statement shall be sent to the Secretary of the Convention.

Failure by any person or organization to submit a statement in accordance with this rule will be cause for the cancellation of the appearance of the person or organization.

If, in the opinion of the co-chairmen of the committee or sub-committee the submitted proposal does not fall

RULE 22 (Continued)

committee within two Convention Days after the vote is taken, which explanation shall be attached to the action Journal.

Discharge

Nothing in these rules shall prevent a majority (82) of the Delegates from discharging a committee from further consideration of any measure; provided, the committee shall have had in its possession for a period of not less than ten Convention Days the measure sought to be brought to the floor by such action.

Discharge Notice

A notice of at least one day shall be given of a motion to discharge any such committee, the notice to be in writing and entered upon the Journal. Such notice, if the motion made thereunder does not prevail, may be offered again on any succeeding Convention Day, but not upon the same day, nor more than a second time.

Public Hearings

The standing committees and sub-committees may hold public hearings subject to the approval of the Committee on Administration and Finance, on the subject matter lying within the jurisdiction of each, in accordance with the Rules of the Convention, or referred to it by the Convention.

Notice

The co-chairmen of any Committee or sub-committee shall give public notice of each public hearing as for an advance as practicable. Said public notice shall be made by delivering a copy thereof to the Secretary of the Convention who, in turn, shall post such notice on the Convention Bulletin Board, deliver a copy to the Convention news media and

RULE 22 (Continued)

Submission

When the Convention shall have agreed upon its proposals and the manner of their submission, it shall refer them to the Committee on Arrangement, Submission and Address to the People, and said Committee shall consider and report to the Convention for approval the manner in which to frame the question or questions to be placed upon the ballot submitting to the people the proposed revisions to the Constitution thereof agreed upon; also, whether or not it is deemed appropriate to place thereon an interpretive statement and, if recommended, in which form such interpretive statement should be framed.

Address

There shall also be referred to the Committee on Arrangement, Submission and Address to the People the preparation of an Address to the People, subject to Convention approval. Such Address shall consist of a summary and explanation of the proposed revisions to the Constitution agreed upon; the directions, if any, to proper officials and others for submission to the people of such proposals agreed upon; the directions for the notice and publication of the same, and of the Address; the directions for the distribution of copies thereof through the office of the Secretary of the Commonwealth, in accordance with Section 8 of Act No. 2, Session of 1967.

Rules - Powers

The Committee on Rules provided herein shall have the following powers:

1. To investigate and report to the Convention any question of the election, returns, or qualifications of any Delegates.
2. To make studies and recommendations designed to promote, improve and expedite the business of the



RULE 22 (Continued)

4. Each committee and sub-committee shall maintain a calendar showing, insofar as possible, the proposed order and date of consideration of particular matters within its jurisdiction, witnesses to be heard and such other information as may in the opinion of the committee assist interested citizens in their presentation of suggestions and advice, and their understanding of the work of the committee.

5. The Journal to be maintained by each committee and sub-committee shall contain the record of formal action taken by the committee, the subjects discussed, witnesses heard and reports submitted. Committee Journals shall be made available for reference to:

- (a) All members of the committee and Delegates;
- (b) The President, Vice President, Secretary and Co-Directors of Research;
- (c) Co-Chairmen of all other committees;
- (d) The Convention Library; and
- (e) The Convention press room.

6. Each committee shall present to the Convention for the information of Delegates not serving on such committee periodic informal reports of its progress and activities and the progress and activities of its sub-committees. The schedule for submission of such reports shall be fixed by the President.

7. A proposal reported from committee may pertain to a section, a part thereof, or the entire Article.

RULE 22 (Continued)

Record of Hearings

The committee or sub-committee shall arrange for the recording and transcribing of the proceedings of the public hearings. The transcriptions, all written statements and any other information which the committee or sub-committee deems pertinent shall be known as the official record of these hearings, and shall be inserted in and become a part of the action Journal.

Procedures

1. Each committee shall review and study existing constitutional provisions in the area of its jurisdiction to determine:

- (a) The existing provisions, their origin, history and reasons for their promulgation, the manner in which they have been interpreted by the courts, and the established practice thereunder;
- (b) The extent to which existing provisions adequately meet the state's needs; and
- (c) Areas in which improvement seems desirable.

2. After substantial completion of such study, each committee shall then proceed to consider all proposed changes in the article of the present Constitution set forth in Act No. 2, Session of 1967, whether embodied in the Delegate proposals or otherwise.

3. Each committee shall then prepare its committee proposal or proposals and its supporting reasons or reasons, setting forth all relevant facts and arguments relating to said proposals.

RULE 22 (Continued)

within the limitation of the subjects which may be considered by the Convention, the committee or sub-committee shall refuse permission for the person or organization to appear

Persons or organizations wishing to present their proposals or views to a committee or sub-committee without appearing before the committee or sub-committee may do so by sending a typed, legible statement of such proposal or views to the Secretary of the Convention.

These statements will be prepared for distribution in the manner provided above.

Limit on Oral Presentation

All persons or organizations duly scheduled to appear before a committee or sub-committee in accordance with the above shall be entitled to present an oral statement not more than fifteen minutes for the purpose of explaining their written statement or presenting additional information, unless otherwise restricted or extended by a majority vote of the committee or sub-committee conducting said hearing.

Debate or argument between proponents and opponents of a proposal shall not be permitted.

Oral statements pertaining to provisions of the Constitution shall be limited to those set forth in Act No. 2 of 1967 Session. All other statements or debates shall be of order.

The oral statement of any organization shall be limited to one spokesman for each organization at each committee or sub-committee hearing.

Nothing in this rule shall prevent more than one representative of an organization to be in attendance at any committee or sub-committee hearing.

RULE 22 (Continued)

- 8. Not later than December 21, 1967, each committee shall file with the President, in writing, proposed dates for the completion by such committee of the steps described in sections 1, 2 and 3 above.

RULE 23

DEADLINE FOR INTRODUCTION OF PROPOSALS

After January 5, 1968, no Delegate proposal shall be introduced, numbered or printed, except upon consent of a majority (82) of the Delegates; except that any Delegate proposal in preparation on the above date may be introduced when it is received from the Convention Drafting Bureau as designated by the Committee on Administration and Finance. This shall not prevent any Delegate from thereafter submitting to the appropriate committee any suggestion for revision of the Constitution and, if so requested in writing by any Delegate, said committee shall acknowledge in its Action Journal its receipt of any such suggestion.

RULE 24

SCHEDULE OF CONSIDERATION

- 1. All public hearings by committees and sub-committees shall be completed on or before January 19, 1968, unless otherwise authorized by a majority (82) vote of the Convention.
- 2. All hearings on Delegate proposals shall be completed on or before January 19, 1968.
- 3. All committee proposals and supporting reports shall be submitted to the Convention on or before February 2, 1968.
- 4. Second consideration of all committee proposals shall be completed on or before February 7, 1968.

RULE 24 (Continued)

- 5. The Committee on Style and Drafting shall complete its consideration of all committee proposals and make its recommendations on or before February 9, 1968.
- 6. The Committee on Arrangement, Submission and Address to the People shall make its final recommendations on or before February 16, 1968.
- 7. The Convention shall adjourn sine die on or before February 29, 1968.

RULE 25

INTRODUCTION OF PROPOSALS

Definition

- 1. Every suggested amendment or revision of the Constitution shall be referred to as a proposal.

Introduction - Sponsorship

- 2. A proposal may be introduced only by a Delegate or Delegates and endorsed by the Delegate or Delegates introducing them or by co-chairmen of a committee on behalf of a majority of such committee and endorsed by them.

Introduction - Procedure

- 3. The procedure for introducing a proposal by a Delegate shall be as follows:
  - a. A Delegate shall go to a microphone and, upon recognition by the President, say, "Mr. President, I read in place and present to the Chair the following proposal," and hand the proposal to a page.

RULE 25 (Continued)

- b. A Delegate may, at the time of introducing a proposal, make a statement not exceeding three minutes, to explain briefly his proposal, or he may present a written statement which shall be entered in the Journal.

Title to Clearly State Subject

- 4. The title of each proposal introduced shall state clearly its subject and purpose. It shall indicate the Article, Section and paragraph of the present Constitution intended to be revised, altered or amended thereby. If any proposal is intended to revise, alter or amend the present Constitution by the addition of any Article, Section or paragraph, the title shall state the place in the present Constitution at which the new Article, Section or paragraph logically belongs.

Form

Matter which is proposed to be eliminated from the existing Articles of the Constitution shall be in lightface brackets; new matter shall be underscored.

Introduced in Quadruplicate

- 5. Every proposal shall be introduced in quadruplicate.

Referral to Committee

- 6. The President shall report to the Convention the Standing Committee to which each proposal has been referred either on the day of introduction or the next day the Convention is in session. The Co-Chairmen of each Standing Committee shall ir

#### RULE 25 (Continued)

turn refer the proposal to its appropriate subcommittee as designated or hereafter created by these rules. Such referral shall be either on the day received from the President or the next day the Convention is in session and notice of such referral be given by the Co-Chairmen to the Convention.

#### Restrictions on Introduction

7. No proposal shall be accepted for introduction by the President unless
  - a. said proposal is in accordance with the limitations set forth in Act No. 2, Session of 1967; and
  - b. said proposal has been prepared by the Convention Drafting Bureau designated by the Committee on Administration and Finance to draft proposals prior to their introduction.

#### Distribution Upon Introduction

8. One copy of each proposal shall, on the day of introduction, be sent to the printer, one copy to the committee to which it was referred and one copy shall be retained by the Convention Library.

#### Numbering

9. Proposals shall be numbered as follows:
  - a. Delegates Proposals starting at No. 1000
  - b. Committee Proposals starting at No. 1
  - c. Committee Proposals shall contain a Printer's No. in the upper righthand corner. If a

#### RULE 25 (Continued)

Committee Proposal is reprinted with amendments, the Printer's Number will change, the Proposal Number will remain the same, and the Prior Printer's Number will be noted in the upper lefthand corner.

#### RULE 26

#### CONSIDERATION OF PROPOSALS

#### Committee Proposals - Drafting Requirement

1. Every Committee proposal, before being reported to the Convention, shall be prepared by the Convention Drafting Bureau designated by the Committee on Administration and Finance.

#### Consideration

2. Every proposal reported from committee shall be considered on three different days before a final vote is taken.
3. A committee proposal shall be printed, placed on the desks of the Delegates and appear on the Calendar for at least one Convention Day before the Convention considers it for the first time.
4. All proposals reported from committee for consideration shall be placed on a Calendar numerically, in the following order:
  - a. Third consideration.
  - b. Second consideration.
  - c. First consideration.No proposal shall be considered for a second or third time until it is printed, appears on the Calendar and the desks of the Delegates.

#### RULE 26 (Continued)

5. Proposals on second consideration may be amended, so long as the amendment is germane to the original purpose of the proposal and the amendment has been prepared by the Convention Drafting Bureau designated by the Committee on Administration and Finance.
6. A proposal which has been amended shall remain on the second consideration calendar for action after the proposal is reprinted showing the amendments agreed to.
7. Each proposal on the second consideration calendar may be debated for three hours, but no Delegate may speak more than fifteen minutes without the consent of a majority of the Delegates present.
8. When a proposal is ready for consideration the second time, the President will say, "Will the Convention agree to the proposal?" (Pause for any remarks.) "Agreed to."
9. When a proposal has been agreed to for a second time, it shall be referred by the President to the Committee on Style and Drafting for incorporation in final draft, in accordance with Rule 22.
10. The Committee on Style and Drafting shall report to the Convention any proposal referred to it, which proposal shall be placed on the third consideration calendar.
11. The proposal as reported by the Committee on Style and Drafting may be amended upon consent of a majority of the Delegates present.
12. In the event the proposal of the Committee on Style and Drafting is amended on third consideration, a vote on final passage shall not be taken thereon, but such proposal shall automatically be



reprinted and recommitted to the Committee on Style and Drafting in the same manner and with the same effect as a proposal advanced from second to third consideration.

13. When a report of the Committee on Style and Drafting is in position for third consideration and final passage, and the report is on the desk of each Delegate, the President will say:

"Will the Convention agree to the report of the Committee on Style and Drafting?" (Pause for debate or amendment.) "Agreed to. This report is now before the Convention for final passage. The question is 'Shall the report pass finally?' (For referral to the Committee on Arrangement, Submission and Address to the People.)"

At this stage of passage debate shall be limited to three hours, but no Delegate shall speak for more than fifteen minutes without the consent of a majority of the Delegates present.

14. On the vote of every proposal, section, Article and any revision or amendments to the specified Articles of the Constitution, the vote shall be taken by yeas and nays and the names voting for and against shall be entered on the Journal.

No proposal, section, Article nor any revision of or amendment to the Constitution shall be deemed passed unless a majority of the one hundred sixty-three Delegates (82) to the Convention shall have voted in favor of the passage of the same and such fact noted in the Journal.

15. Upon final passage by the Convention, the report of the Committee on Style and Drafting shall be

certified by the Secretary and President and referred to the Committee on Arrangement, Submission and Address to the People, to be considered in accordance with Rule 22.

RULE 27

AMENDMENTS

1. A proposal may be amended by a committee to which it is referred when reporting such proposal.

1a. Any Delegate may offer amendments to a proposal on second consideration and with the consent of a majority of the Delegates present when it is on third consideration.

2. No amendment may be offered on first consideration or final passage.

3. No amendment may be offered to any proposal or to any amendment to a proposal which is not germane to the original object or purpose or in the nature of a substitute if the substitute is not germane.

4. An amendment may be amended but an amendment to an amendment may not be amended.

5. Amendments must be presented in quadruplicate typewritten copies.

6. Amendments must be prepared by the Convention Drafting Bureau designated by the Committee on Administration and Finance.

DEBATE - LIMITATIONS

There can be no debate unless there is a question before the Convention, and debate must be confined to that question.

The asking of a question or the making of suggestions is not to be considered as debate. A Delegate shall be entitled to make inquiry concerning the meaning, the purpose or the effect of even an undebatable question.

Unless by unanimous consent or unless otherwise decided by a majority vote of the Delegates present, no Delegate (committee co-chairmen excepted) shall be allowed to speak more than twice during the consideration of any one question on the same day and at the same stage of proceedings; except that the sponsor of a proposal, amendment or resolution, or the mover of a question shall have the right to open and close debate thereon.

No Delegate (committee co-chairmen excepted) shall be permitted to speak more than ten minutes at any one time.

No Delegate shall yield to any other Delegate the time to which he is entitled to speak on any matter.

LOBBYIST

Registration

Any natural person who is employed or engaged for compensation, by any other person or any partnership, committee, association, corporation or any other organization, to advocate passage or defeat of proposals of the Constitutional Convention or of any of its Delegates shall, before beginning such activities, submit to the Secretary of the Convention a registration statement made under oath or

RULE 29 (Continued)

affirmation before an officer authorized by law to administer oaths setting forth the name and business address of the lobbyist, the name and address of the person, partnership, committee, association, corporation or other organization by whom he is employed or engaged, the name and address of the person, partnership, committee, association, corporation or other organization in whose interest he will advocate the passage or defeat of proposals of the Convention and the duration of his employment. Whenever any of the facts required herein change, the lobbyist shall file a revised statement.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment not exceeding one year, or both.

Prohibition

No Delegate, officer or employee of the Convention shall, except within the scope of his Convention duties or employment, directly or indirectly, promote or oppose the passage of any proposed constitutional amendment or resolution by the Convention in the capacity of a lobbyist.

RULE 30

RESOLUTIONS

Resolutions may be introduced only by a Delegate, or the co-chairmen of a committee on behalf of a majority of such committee.

Each resolution shall be introduced in quadruplicate and the procedure for introduction shall be in the same manner as introducing a proposal.

The President shall refer such resolution to an appropriate committee, unless by unanimous consent or suspen-

RULE 30 (Continued)

sion of the rules the Convention shall decide otherwise, at which time the resolution shall be read in full before it is considered.

APPENDIX A

FORTY-SECOND MONTANA LEGISLATIVE ASSEMBLY

1971

JOINT RULES, SENATE RULES, HOUSE RULES

## JOINT RULES

### CHAPTER 1

#### Presiding Officer—Decorum, Order and Debate

1-1. The presiding officer of the senate is the president and the presiding officer of the house of representatives is the speaker. The presiding officer of each house shall take the chair on every legislative day at the hour to which that house adjourned at the last sitting. After call to order, prayer by the chaplain and roll call, a report on the journal for the preceding legislative day shall be given in the presence of a quorum, and each house shall proceed with the regular order of business.

1-2. The presiding officer of each house shall preserve order and decorum, and in case of disturbance or disorderly conduct, may order the galleries or lobbies to be cleared.

1-3. The presiding officer of each house has general control and direction of the hall, chamber, rooms, passages and corridors of the house over which he presides. Reporters on assignment in either house are subject to placement by the presiding officer.

1-4. The presiding officer of each house shall decide all questions of order, subject to an appeal by any member seconded by two other members. No member may speak more than

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## JOINT RULES

once on an appeal without the consent of a majority of the house of which he is a member.

1-5. When a member desires to speak he shall rise and address the presiding officer and being recognized, shall speak standing in his place unless the presiding officer grants permission to speak from some other place on the floor. When two or more members rise at the same time the presiding officer shall name the member who is to speak first.

1-6. When a member has been called to order, he shall sit down until the presiding officer determines whether he is in order or not. If the member is called to order for words spoken in debate, the language excepted to shall be taken down in writing by the chief clerk or secretary.

1-7. Questions of privilege are: first, those affecting the collective rights, safety, dignity, and integrity of the proceedings of either house; and second, those affecting the rights, reputation and conduct of individual members of either house in their capacity as members. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

1-8. The presiding officer of each house, in the presence of the house over which he presides, after due notice and immediately after the title has been publicly read, shall sign the original and one copy of each enrolled bill original-

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## JOINT RULES

ing in the house over which he presides. The fact of signing shall be at once entered upon the journal. At the time of signing, if a member signifies his desire to examine the bill he shall be permitted to do so. The bill shall then be sent to the other house where the same procedure shall be followed. (Based in part on **Montana Constitution, Art. V, Sec. 27**)

1-9. The presiding officer of each house shall sign all payrolls and subpoenas approved or issued by the house over which he presides.

1-10. (1) A communication or paper shall be addressed to the presiding officer, and shall bear the name of the person submitting it. When the reading of a paper is called for and a member objects, it shall be determined by a vote of the house without debate. This subsection does not apply to bills, or to communications from the governor or the other house.

(2) A paper for or against proposed legislation may not be placed on the desks of the members or circulated within the chamber unless the person responsible has signed it and has received permission from the chief clerk of the house or the secretary of the senate to distribute it in the house concerned.

1-11. When the presiding officer is a member of the house over which he is presiding he shall vote as any other member, and may not vote a second time.

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## CHAPTER 2

**Meetings, Quorums and Attendance**

- 2-1.** The chamber of the senate and the hall of the house of representatives shall be open from 8 o'clock a.m. until 11 o'clock p.m. each day during the session, unless by resolution of the senate its chamber, or by resolution of the house its hall, shall be closed.
- 2-2.** The hour of meeting of the senate is 10 a.m. unless otherwise ordered by the senate. The hour of meeting of the house of representatives is 10 a.m. unless otherwise ordered by the house.
- 2-3.** Only the following persons may be admitted to the floor of the house of representatives or senate during sessions: executive officers, legislators, legislative employees, reporters, guests of members of the respective houses, and former members of the respective houses.
- 2-4.** Lobbying on the floor of the senate or house of representatives is prohibited during a session and within one-half hour prior to the commencement of a session.
- 2-5.** The sessions of each house and of the committees of the whole shall be open, unless the business is such as requires secrecy. (**Montana Constitution, Art. V, Sec. 13**)
- 2-6.** During the discussion of a motion to close

the doors of either house to discuss business which may, in the opinion of that house, require secrecy, the presiding officer shall exclude all persons, except the members and the chief clerk or secretary. Every member and employee of such house shall keep secret all matters ordered to be kept secret.

**2-7.** Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. (**Montana Constitution, Art. V, Sec. 14**)

**2-8.** A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe. (**Montana Constitution, Art. V, Sec. 10**)

**2-9.** Unless he is excused, a member of the house or senate shall be present at every sitting of the house of which he is a member.

**2-10.** In the absence of a quorum, a majority of members present in either house may compel the attendance of absent members by ordering a call of the house of which they are members.

**2-11.** If a quorum is present, five members of the senate may order a call of the senate, and fifteen members of the house of representatives may order a call of the house.

**2-12.** On a call of either house, a member who refuses to attend may be arrested by the sergeant-at-arms or any other person, as the majority of such members present shall direct. When the attendance of an absent member is secured after a call of either house, if the house of which he is a member refuses to excuse his absence, he shall not be paid any per diem (during his absence and is liable for the expenses incurred in procuring his attendance.

**2-13.** During a call of either house, all business of that house shall be suspended. After a call has been ordered no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote.

## CHAPTER 3

## Legislative Employees

**3-1.** The legislative assembly shall prescribe by law the number, duties and compensation of the officers and employees of each house; and no payment shall be made from the state treasury, or be in any way authorized to any such person, except to an acting officer or employee elected or appointed in pursuance of law. (*Montana Constitution, Art. V, Sec. 28*)

**3-2.** Except as provided in Joint Rule 3-3 and Joint Rule 3-4, the committee on legislative administration of each house shall appoint the employees of each house, subject to the approval of the respective houses.

**3-3.** The committee on legislative administration of each house shall appoint secretaries for standing or special committees on recommendation of the committee chairman, subject to the approval of the respective houses. A secretary for a standing or special committee is immediately responsible to the committee chairman, but when not occupied with the duties of a committee, a secretary of a committee of the house of representatives shall work under the direction of the chief clerk of the house, and a secretary of a senate committee under the direction of the secretary of the senate.

**3-4.** The minority floor leader of each house

may appoint a private secretary, who is responsible to him.

**3-5.** The secretary of the Senate and chief clerk of the house of representatives are responsible to the presiding officers of their respective houses. Their duties are:

(a) To have custody of all records, bills, documents and other papers.

(b) To supervise the keeping of the journal, engrossing, and enrolling, and the handling of bills and resolutions.

(c) To deliver to the secretary of state at the close of each session, the journal, bill books and resolution books, and all copies of introduced and engrossed bills and joint resolutions.

(d) To collect from the chairman or secretaries of all standing and special committees the minutes of such committees and deliver them to the state historical society.

**3-6.** Journal clerks, bill clerks, engrossing and enrolling clerks, typists, and other employees responsible for legislative functions, except secretaries for standing or special committees, secretaries to presiding officers, and secretaries to majority and minority floor leaders, are immediately responsible to the secretary of the senate or the chief clerk of the house, subject to the general supervision of the presiding officer.

**3-7.** The duties of the engrossing and enrolling clerks are:

(a) To engross or enroll all bills delivered to them within forty-eight hours after they have been received, unless further time is granted.

(b) To correct clerical errors, with the consent of the secretary of the senate or chief clerk of the house of representatives, in any bill originating in the house by which they are employed. Clerical errors such as the following may be corrected:

(i) errors in spelling

(ii) errors in numbering sections

(iii) adding or deleting underlining or lines through matter to be stricken

(iv) material copied incorrectly from the most recent Revised Codes of Montana

The secretary of the senate and chief clerk of the house shall inform the principal sponsor of all such corrections. No bill shall be corrected after engrossment.

**3-8.** (1) The sergeants-at-arms are responsible to the presiding officers of their respective houses. Their duties are:

(a) To maintain order under the direction of the presiding officer.

(b) To execute commands and serve all processes.

(c) To receive, distribute and have custody of supplies.



(d) To keep account for per diem and mileage of members and employees, and prepare and submit all claims for payment.

(e) To take an inventory at the close of each session of all furniture, fixtures, supplies and other property and turn such property over to the state controller for custody until the next session. One copy of the inventory shall be kept on file in the office of the sergeant-at-arms.

(2) All expenditures of money appropriated for the operation of the legislative assembly must be approved by the committee on legislative administration of the house concerned.

**3-9.** The assistant sergeant-at-arms, doorkeepers, watchmen, janitors, pages and other employees responsible for general housekeeping functions are immediately responsible to the sergeant-at-arms, subject to the general supervision of the presiding officer.

**3-10.** The duties of the chaplain of each house are to open each day's session with a prayer.

**3-11.** The duties of the law clerks of each house are to draft legislation and perform legal research for members.

**3-12.** An employee of either house is prohibited from lobbying as defined in Section 43-802 (1), R. C. M. 1947. However, an employee may testify before a committee of either house on the

request of the committee. An employee violating this rule shall be discharged.

**3-13.** Disputes or complaints involving the competency or decorum of a legislative employee shall be referred to the committee on legislative administration of the house by which the employee is employed. The committee, in its discretion, may dismiss, suspend or retain the employee. The committee on legislative administration shall periodically review the roster of employees and shall dismiss surplus employees.

## CHAPTER 4

### Order of Business

**4-1.** After prayer, roll call, and report on the journal, the order of business of the senate and house of representatives is as follows:

- (1) Communications and petitions
- (2) Reports of standing committees
- (3) Reports of select committees
- (4) Messages from the governor
- (5) Messages from the other house
- (6) Motions and resolutions
- (7) First reading and commitment of bills
- (8) Second reading of bills (committee of the whole)
- (9) Third reading of bills
- (10) Unfinished business
- (11) Special orders of the day
- (12) Announcement of committee meetings

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the house involved shall revert to order of business No. 1 when reconvening after a recess.



## CHAPTER 5

## Motions

5-1. When a motion is made it shall be restated by the presiding officer, and, if requested by the presiding officer or a member, shall be reduced to writing and read aloud. A motion may be withdrawn by the member making it at any time before it is amended or voted upon.

5-2. When a question is under debate no motion may be made except the following privileged and subsidiary motions which have precedence in the order listed:

- (1) To adjourn
- (2) For a call of the house
- (3) To recess
- (4) Question of privilege
- (5) To lay on the table
- (6) For the previous question
- (7) To postpone to a day certain
- (8) To refer or commit
- (9) To amend
- (10) To postpone indefinitely

5-3. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

5-4. A member who voted on the prevailing side of a question may, on the day the vote was taken or on the next legislative day, move to reconsider the question. A motion to reconsider may not be withdrawn after such next legislative day without the unanimous consent of the house concerned, and thereafter any member may call it up for consideration; however, a motion to reconsider made after the fifty-fourth day of the session shall be disposed of when made. A motion to recall a bill from the other house constitutes notice to reconsider, and shall be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the other house may be made only under order of business No. 6, and under that order of business takes precedence over all motions except motions to recess or adjourn.

5-5. When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

5-6. (1) Except as provided in subsection (2) of this rule, the effect of moving the previous question, if adopted, is to close debate immediately, to prevent the moving of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question and the adhering subsidiary motions, whether on appeal or otherwise.

(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one half of such time to be given to the proponents and one half to the opponents.

5-7. A call of the house is not in order after the previous question is ordered, unless it appears upon an actual count by the presiding officer that a quorum is not present.

5-8. The following motions are not debatable:

- (1) To adjourn
- (2) For a call of the house
- (3) To recess
- (4) For parliamentary inquiry
- (5) For suspension of the rules
- (6) To lay on the table
- (7) For the previous question
- (8) To limit, extend the limits of, or to close debate
- (9) To amend an undebatable motion
- (10) To divide a question
- (11) To pass business in committee of the whole
- (12) To take from the table
- (13) A decision of the presiding officer unless appealed or unless he submits the question to the house for advice or decision

- (14) All incidental motions, such as motions relating to voting or other questions of a general procedural nature

5-9. A member may move to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain.

5-10. An amendment to a motion may be amended, but an amendment to an amendment to a motion may not be amended. However, a substitute for an amendment to an amendment to a motion may be adopted and the substitute may be amended.

## CHAPTER 6

### Bills and Resolutions

#### A.—Form of Bills.—Definition of Resolutions.—General Provisions

6-1. The only types of instruments other than bills which may be introduced in either house of the legislative assembly are:

(1) A simple resolution, which is a formalized motion passed by one house only and which bears the heading "House Resolution" or "Senate Resolution." It may be used to amend the rules of one house or to express the desire, opinion, sympathy or request of the house adopting it. It does not require three readings or a roll call vote. A member offering a simple resolution may read it in his place before sending it to the chair. It shall then be read by the clerk or secretary unless otherwise ordered by the house, and referred to a committee. Final action shall be taken on the committee report. The transmittal of copies of simple resolutions is the responsibility of the chief clerk or secretary of the house of origin.

(2) A joint resolution, which must be adopted by both houses and then signed by the governor as a ministerial formality. It may be used to express the desire, opinion, sympathy or request of the legislative assembly, to amend the joint rules, and to ratify or propose amendments to the United States Constitution. If a

joint resolution goes beyond a mere recommendation or expression of opinion, and does not relate to a subject solely within the competence of the legislative assembly, it is subject to veto by the governor. Except as otherwise provided in these rules, a joint resolution is treated in all respects as a bill.

6-2. Bills shall be typewritten on paper eight and one-half by thirteen inches with numbered lines, and shall be introduced in quadruplicate, Pica or elite type and a good black ribbon must be used. Bills shall be numbered at the foot of each page and shall have white covers of a substantial material. In sections amending existing statutes, matter to be stricken out shall be indicated with a line through the words or part to be deleted, and new matter shall be underlined. A key showing the numbers of sections of the most recent Revised Codes of Montana repealed or amended in a bill shall immediately precede the title.

6-3. No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall contain more than one subject, which shall be clearly expressed in the title. The enacting clause of every law shall be as follows: "Be it enacted by the legislative assembly of the state of Montana," (Montana Constitution, Art. V, Sec. 23 and Art. V, Sec. 20)

6-4. The general appropriation bills shall em-

brace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. (Montana Constitution, Art. V, Sec. 33)

6-5. Every statute, unless a different time is prescribed therein, takes effect on the first day of July of the year of its passage and approval. Every joint resolution, unless a different time is prescribed therein, takes effect from its passage. (Sections 43-507 and 43-509, R. C. M. 1947)

#### B.—Introduction

6-6. A bill may be introduced by endorsing it with the name of a member or committee and presenting it to the chief clerk or secretary in quadruplicate. Bills, joint resolutions, and simple resolutions shall be numbered consecutively in separate series in the order of their receipt.

6-7. All bills except revenue bills, appropriations bills and substitute bills must be received by the chief clerk or the secretary by 5 p.m. of the eighteenth legislative day. Revenue bills must be received by the chief clerk by 5 p.m. of the twenty-fifth day.

6-8. No bill for the appropriation of money, except for expenses of the government, shall be

introduced within ten days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced. (Montana Constitution, Art. V, Sec. 21)

6-9. All bills appropriating public moneys shall originate in the house of representatives. A member of the senate desiring the introduction of a bill carrying an appropriation may transmit it to the speaker of the house of representatives, who will provide for its introduction by request.

6-10. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in the case of other bills. (Montana Constitution, Art. V, Sec. 32)

6-11. No bill may be introduced or received in a house after that house has finally rejected a bill designed to accomplish the same purpose.

6-12. A committee must unanimously consent to the introduction of a committee bill.

#### C.—First Reading and Commitment

6-13. The purpose of the first reading of bills is for information and commitment. A bill shall be read by a summary of its title in the house of origin and by a summary of its title and by its history in the second house. No motion affecting a bill is in order on its first reading.

6-14. No bill shall be considered or become a

law unless referred to a committee, returned therefrom, and printed for the use of the members. (Montana Constitution, Art. V, Sec. 22)

6-15. After the first reading of a bill, it shall be referred to a committee by the presiding officer.

6-16. A bill may be recommitteed at any time before its passage.

#### D.—Amendments and Substitute Bills

6-17. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended shall be re-enacted and published at length. (Montana Constitution, Art. V, Sec. 25)

6-18. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. (Montana Constitution, Art. V, Sec. 19)

6-19. A committee may recommend that every clause in a bill be changed and that entirely new matter be substituted so long as the new matter is relevant to the title and subject of the original bill. A substitute bill shall be considered as an amendment and not as a new bill.

6-20. The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the bill following the enacting

clause and to substitute the new bill, recommending also any necessary changes in the title. If a committee report recommending a substitute for a bill originating in the other house is adopted, the substitute bill shall be printed.

**6-21.** Amendments to a bill by the second house shall not be further amended by the house in which the bill originated, but must either be accepted or rejected. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated.

#### **E.—Printing, Engrossing and Enrolling**

**6-22.** If a majority of a house recommends the passage of a bill originating in that house after it has been returned from a committee, eleven hundred copies of the bill shall be printed with all amendments incorporated into the printed copies. Bills referred to the bills committee of the house of origin for printing must be reported within three days unless further time is granted by that house.

**6-23.** When a bill has been reported favorably by committee of the whole of the house of origin and the report has been adopted, the bill shall be engrossed under the direction of the bills committee, and when reported correctly engrossed by the committee shall be placed on the calendar for third reading on the succeeding legislative day. Committee of the whole amendments shall be included in the engrossed bill.

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If a bill is unamended, contains no clerical errors, and is neatly written, it may be engrossed without retyping.

**6-24.** When a bill has passed both houses it shall be enrolled as an act of the legislative assembly under the direction of the bills committee of the house of origin. An original and three duplicate typewritten copies of the bill shall be enrolled, free from all corrections and errors, with a margin of two inches at the top and one inch on each side, with thirty unnumbered lines to the page. In sections amending existing statutes new matter shall be underlined, and matter stricken with a line through it shall be omitted. The typewriting shall be done with a black record ribbon, pica or elite type, on plain linen finished paper or fifty percent rag bond paper 8½ inches wide and 13 inches long, weighing sixteen pounds to the ream. The original and first copy only of the bill shall be red lined. The history of the bill shall also be enrolled and placed in back of the bill in a white manuscript cover, upon which is written the number of the bill.

When the enrolling has been completed, the bill shall be examined by the author and the bills committee and reported correctly enrolled. The original and one copy shall be signed by the presiding officer of each house in open session and presented by the bills committee to the governor. The bills committee shall take a receipt from the governor and shall report

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to the house the day and hour of such presentation, which shall be entered in the journal. The original and two unsigned copies shall be filed with the secretary of state. The signed copy shall be filed with the clerk of the supreme court.

**F.—Second Reading.—Committee of the Whole**  
**6-25.** All bills which have been reported by a committee, accepted by the house concerned and printed, shall be posted on the calendar for consideration by committee of the whole. All amendments of the other house, shall immediately be posted on the calendar for consideration by committee of the whole. Until the forty-eighth legislative day, one day must elapse between the time a bill is printed and consideration by committee of the whole. Bills shall be arranged on the calendar in the order in which they are reported unless otherwise ordered by the house concerned.

**6-26.** Every bill considered in committee of the whole shall be read by a summary of its title and by its history and considered section by section.

**6-27.** Prior to adoption of a committee of the whole report, a member may move to segregate a bill. If the motion prevails, the bill remains on second reading.

**6-28.** When a committee of the whole report on a bill is rejected the bill shall remain on second reading.

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**6-29.** Either house may resolve itself into a committee of the whole by approval of a motion for that purpose. So far as may be applicable, the rules governing each house shall be observed when that house resolves itself into a committee of the whole, except as follows:

- (1) The only motions in order are: to amend; to recommend passage or non-passage; to recommend concurrence or non-concurrence; to indefinitely postpone; to pass consideration; to rise; to rise and report; and to rise and report progress and ask leave to sit again.
- (2) A record vote may not be ordered.
- (3) The committee may not appoint sub-committees.
- (4) The committee may not punish its members for misconduct, but may report disorder to the house concerned.
- (5) Unless otherwise prescribed by either house before going into committee of the whole, a member may speak as often as he is recognized and for as long each time as is allowed in debate in the particular house.

**6-30.** After a committee of the whole has been formed, the presiding officer shall appoint a chairman to preside. Upon resuming the chair, the presiding officer shall receive the report of the chairman of the committee and the house shall take action on the report.

**G.—Third Reading—Governor's Veto**

**6-31.** No bill shall become a law except by vote of a majority of all the members present in each house, nor unless on its final passage the vote be taken by ayes and noes, and the names of those voting be entered on the journal. (*Montana Constitution, Art. V, Sec. 24*)

**6-32.** Every bill shall be read three times prior to passage, either by title or by summary of title as provided in these rules. The first reading shall be prior to commitment; the second prior to debate in committee of the whole; and the third, which shall be by complete title, prior to final passage. No bill shall receive more than one reading on the same day except on the last legislative day.

**6-33.** Every order, resolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be re-passed by two-thirds of both houses, as prescribed in the case of a bill. (*Montana Constitution, Art. V, Sec. 40*)

**6-34.** Every bill passed by the legislative assembly shall, before it becomes a law, be presented to the governor. If he approves, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with

his objections to the house in which it originated, which house shall enter the objections at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, it shall be sent, together with the objections, to the other house, but which it shall likewise be reconsidered and if approved by two-thirds of the members present in that house it shall become a law notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly shall by their adjournment prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislative assembly, unless approved by the governor within fifteen days after such adjournment. In case the governor shall fail to approve of any bill after the final adjournment of the legislative assembly it shall be filed, with his objections, in the office of the secretary of state. (*Montana Constitution, Art. VII, Sec. 12*)

**6-35.** The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall be-



come a law, and the item or items disapproved shall be void, unless enacted in the manner following: If the legislative assembly be in session he shall within five days transmit to the house in which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto. (*Montana Constitution, Art. VII, Sec. 13*)

**H.—Transmittal of Bills**

**6-36.** Each house shall transmit to the other with any bill all relevant papers. When a house bill is transmitted from the house of representatives to the senate, the secretary of the senate shall give a dated receipt for the bill to the chief clerk of the house. When a senate bill is transmitted to the house of representatives, the chief clerk of the house shall give a dated receipt to the secretary of the senate.

**6-37.** Except for appropriation bills, revenue bills and amendments considered by joint conference committees, no bills may be transmitted from one house to the other after the fortieth legislative day; and no amendments, except to appropriations bills and revenue bills, may be transmitted from one house to the other after the fifty-third legislative day.

**6-38.** When a bill has received its third read-

ing or has been rejected, the house that considered the bill shall immediately transmit it to the other house with notice of its action.

**I.—Fiscal Notes on Bills**

**6-39.** All bills reported out of a committee of the legislative assembly having an effect on the revenues, expenditures, or fiscal liability of the state, except appropriation measures carrying specific dollar amounts, shall include a fiscal note incorporating an estimate of such effect. Fiscal notes shall be requested by the presiding officer of either house, who shall determine the need for the note at the time of introduction.

The state budget director, in cooperation with the agency or agencies affected by the bill, is responsible for the preparation of the fiscal note and shall return same within six (6) days.

A completed fiscal note shall be submitted by the budget director to the presiding officer who requested it, who shall refer it to the committee considering the bill. If the bill is printed, the note shall be mimeographed and placed on the members' desks.

Fiscal notes shall, where possible, show in dollar amounts the estimated increase or decrease in revenues or expenditures, costs which may be absorbed without additional funds, and long-range financial implications. No comment or opinion relative to merits of the bill shall be included; however, technical or mechanical defects may be noted.

A fiscal note also may be requested on a bill before the thirty-sixth day, and on an amendment before the forty-ninth day, by

- (1) A committee considering the bill, or
- (2) A majority of the members of the house in which the bill is to be considered, at the time of second reading.

The budget director shall make available on request to any member of the legislative assembly all background information used in developing a fiscal note. (*Sections 43-1001 through 43-1006, R. C. M. 1947.*)

## CHAPTER 7

## Committees

7-1. The committee on legislative administration of each house shall consider all matters concerned with seating, mileage and per diem, legislative employees, the control of legislative property, and the budgeting for and expending of appropriations for the operation of the legislative assembly.

7-2. A standing committee shall submit a written report in triplicate on all bills or matters referred to it within 7 days after reference, unless at the request of the committee and for good cause shown, further time is granted by the house concerned.

7-3. If the members of a committee cannot agree on a report, the majority and minority of the committee present at a committee meeting may submit separate reports. Only one minority report may be submitted. Such reports shall be entered at length on the journal, unless otherwise ordered by the house concerned.

7-4. All committees shall keep minutes of their meetings and, at the close of the session, shall turn the minutes over to the chief clerk of the house or secretary of the senate for delivery to the historical society.

7-5. The committee on rules and journal, the rules committee, the journal committee, the

bills committee, and conference committees may report at any time, except during a call of the house or when a vote is being taken. Reports from the bills committee shall stand approved without formal action.

7-6. All bills providing for an appropriation of public moneys shall first be considered by a joint committee composed of the finance and claims committee of the senate, and the appropriations committee of the house, and then by each separately. Meetings of the joint committee shall be held upon call of the chairman of the house appropriations committee who shall be chairman of the joint committee.

7-7. Except as provided in Joint Rule 7-6, the chairman of the senate committee shall be chairman of all joint committees.

7-8. If either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the senate and the house of representatives cannot agree, the other house shall appoint a committee consisting of the same number of members. They shall meet at a convenient time, to be agreed upon by their chairmen, and having conferred, shall report to their respective houses the result of their conference. A conference committee shall confine itself to the disputed amendment.

7-9. In joint committees other than conference committees, members vote individually and not by houses. Because conference committees are

joint meetings of separate committees, in conference committees the committees from each house vote separately, and a majority of each committee must agree before any action may be taken.



## CHAPTER 8

## Rules and Journal

8-1. Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question shall, at the request of any two members, be entered on the journal. (Montana Constitution, Art. V, Sec. 12)

8-2. The proceedings of each house which shall be entered on its journal include:

- (1) The title and number of each bill when it is introduced; subsequent references may be by number only.
- (2) Every motion and the name of the member making it.
- (3) Proposed constitutional amendments which have been voted for by two-thirds of the members. (Montana Constitution, Art. XIX, Sec. 9)
- (4) Committee reports.
- (5) Roll call votes.
- (6) Messages from the governor and the other house.
- (7) An entry of the oath taken by the members. (Sec. 43-209, R.C.M. 1947)

8-3. The journal committee or committee on rules and journal of each house shall examine

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its journal, correct any errors, and report each legislative day immediately after roll call.

8-4. The journal of the senate must be authenticated by the signature of the president, and the journal of the house of representatives by the signature of the speaker. (Sec. 43-304, R.C.M. 1947)

8-5. (1) A joint rule may be repealed or amended only with the concurrence of both houses, under the procedures adopted by each house, for the repeal or amendment of its own rules. (2) A joint rule governing the procedure for handling bills may be temporarily suspended by the consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

8-6. Mason's Manual of Legislative Procedure governs the proceedings of the senate and house of representatives in all cases not covered by these rules.

8-7. The legislative council shall codify and publish in one volume the rules of the senate, the rules of the house of representatives and the joint rules of the senate and house of representatives. Upon adoption, the secretary of the senate and the chief clerk of the house of representatives shall provide the office of the legislative council with one copy of all motions or resolutions amending senate, house or joint rules, and with copies of all minutes and reports of the rules committee or committee on

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rules and journal relating to rules. After the rules have been published, the legislative council shall distribute copies as directed by the senate and house of representatives.

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## CHAPTER 9

## Voting Procedure

9-1. Except as provided in Joint Rule 9-2, every member present when a question is put shall vote unless the house of which he is a member excuses him.

9-2. A member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Montana Constitution, Art. V, Sec. 44)

9-3. Amendments to the constitution may be proposed in either house; a two-thirds vote of the members elected to each house is required for passage. (Montana Constitution, Art. XIX, Sec. 9)

9-4. When a measure requiring the concurrence of two-thirds of the members is under consideration, a majority vote is sufficient to decide any question relating to the measure short of third reading.

9-5. A roll call vote shall be taken on the request of two members.

9-6. On a roll call vote the names of the members shall be called alphabetically, unless an electrical voting system is used. A member may not vote or change his vote after the decision is

announced from the chair. A member may not explain his vote until after the decision is announced from the chair.

9-7. (1) On third reading the question shall be stated as follows: "Senate (or house) bill number ..... having been read three several times, the question is, shall the bill pass (or be concurred in)."

(2) If an electrical voting system is used the presiding officer shall ring the bell after stating the question and then state "Those in favor vote yea and those opposed vote no." After a reasonable pause the presiding officer asks "Has every member voted?" (reasonable pause) "Does any member wish to change his or her vote?" (reasonable pause) "The clerk (secretary) will now record the vote."

9-8. Two members may pair on a measure that will be determined by a majority vote. On a measure requiring a two-thirds vote for adoption three members may pair, with two members for the measure and one member against. Pairing is permitted only when one of the paired members is absent when the vote is taken.

9-9. An agreement to pair must be in writing and dated and signed by the members agreeing to be bound, and must specify the duration of the pair. When an agreement to pair is filed with the secretary of the senate or chief clerk

of the house of representatives, it shall bind the members signing until the expiration of time for which it was signed, unless the paired members sooner appear and ask that the agreement be cancelled.

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**SENATE RULES**

**CHAPTER 1**

**Presiding Officer—Decorum, Order and Debate**

**S1-1.** The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant-governor, from any cause which applies to the governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant-governor until the vacancy is filled or the disability removed. (**Montana Constitution, Art. VII, Sec. 15**)

**S1-2.** The senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members president pro tempore. The senate shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members. (**Montana Constitution, Art. V, Sec. 9**)

**S1-3.** The president pro tempore, when acting as presiding officer of the senate, shall vote as any other member of the senate.

**S1-4.** The president may name a senator to perform the duties of the chair, when the president pro tempore is not present in the senate chamber. The senator who is so named is vested during such time with all the powers of the president; but he does not lose the right to vote on any question while presiding.

**S1-5.** No senator shall speak more than twice on any one motion or question without unanimous consent of the senate, unless he has introduced or proposed the motion or question under debate, in which case he may speak twice and also close the debate. However, a senator who has spoken shall not speak again on the same motion or question to the exclusion of a senator who has not spoken.

**CHAPTER 7**

**Committees**

**S7-1.** The senate shall elect a committee on committees consisting of 3 members. The committee on committees, with the approval of the senate, shall appoint standing and select committees of the senate, and senate membership on joint committees except conference committees. The president shall appoint all conference committees with the advice of the majority and minority floor leaders. The senate may change the membership of any committee on one day's notice.

The standing committees of the senate and their maximum membership are as follows:

1. Agriculture .....	11
2. Banking and Insurance .....	9
3. Bills .....	6
4. Commerce and Labor .....	11
5. Committees .....	3
6. Constitution, Elections and Federal Relations .....	9
7. Education .....	11
8. Finance and Claims .....	11
9. Fish and Game .....	11
10. Highways and Transportation .....	11
11. Irrigation and Water .....	9
12. Judiciary .....	9



13. Legislative Administration .....	5
14. Local Government .....	11
15. Natural Resources .....	9
16. Public Health, Welfare and Safety ..	11
17. Public Lands .....	9
18. Rules .....	5
19. State Administration .....	9
20. Stockgrowing and Grazing .....	11
21. Taxation .....	11
22. Journal .....	3

**CHAPTER 8**

**Rules and Journal**

**S8-1.** (1) A motion to amend or adopt a rule of the senate shall be referred to the committee on rules without debate. A rule of the senate may only be amended or adopted with the concurrence of a majority of the senate and after one day's notice.

(2) A rule may be suspended temporarily by a two-thirds vote.

**S8-2.** Mason's Manual of Legislative Procedure governs the proceedings of the senate in all cases not covered by these rules.

**CHAPTER 10**

**Nominations From The Governor**

**S10-1.** The governor shall nominate, and by and with the consent of the senate, appoint all officers whose offices are established by the constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If during a recess of the senate a vacancy occurs in any such office, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. (Montana Constitution, Art. VII, Sec. 7).

**S10-2.** When nominations are sent by the governor to the senate for confirmation, they shall not be acted on before the next succeeding legislative day, except nominations sent by the governor on the last legislative day of the session, which shall be acted upon that day.

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CHAPTER 7

Committees

**H7-1.** The committee on rules and journal shall consist of the speaker and four members appointed by him. The speaker shall appoint other standing committees, select committees, and house membership on joint committees, and conference committees. The standing committees of the house are as follows:

1. Affairs of cities.
2. Agriculture and Irrigation.
3. Appropriations.
4. Bills.
5. Business and Industry.
6. Constitution, Elections and Federal Relations.
7. Education.
8. Fish and Game.
9. Highways.
10. Judiciary.
11. Labor and Compensation.
12. Legislative Administration
13. Livestock and Ranges.
14. Public Health, Welfare and Safety.
15. Rules and Journal.
16. State Administration.
17. Townships and Counties.
18. Ways and Means.
19. Research and Resources.

HOUSE RULES

CHAPTER 1

**Presiding Officer**—Decorum, Order and Debate

**H1-1.** The house of representatives shall elect one of its members speaker. The house shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members. (Montana Constitution, Art. V, Sec. 9)

**H1-2.** The house shall elect one of its members speaker pro tempore who shall perform all of the duties of the speaker in the absence of that officer, and on such other occasions as the speaker may request.

**H1-3.** No member shall speak for longer than one-half hour in debate on any one motion or question.

**H1-4.** During committee reports the member reporting the measure under consideration from a committee may, if the measure is debated, open and close. If the debate extends beyond one day he may have one-half hour to close, even if he has used one-half hour in opening.

**H1-5.** No member shall speak more than once on the same question without the unanimous consent of the house, unless he has proposed or introduced the matter under debate, in which case he may speak in reply after all members choosing to speak have spoken.

The first named member of a committee is the chairman, and in his absence the next named member, and so on. No standing committee may consist of more than 17 members.

CHAPTER 8

Rules and Journal

**H8-1.** (1) A motion to amend or adopt a rule of the house shall be referred to the committee on rules and journal, which shall report no later than the next legislative day. Unless recommended by the committee on rules and journal, no house rule shall be amended or adopted except by a two-thirds vote.  
 (2) A house rule may be suspended temporarily for a specified purpose by unanimous consent.

**H8-2. Mason's Manual of Legislative Procedure** governs the proceedings of the house of representatives in all cases not covered by these rules.

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NOTES

The following Rules changes were adopted on March 29, 1971, by the House of Representatives of the 42nd Legislative Assembly of the State of Montana:

Joint Rule 6-1--Be amended in subsection (1) so that the second to last sentence of said subsection reads as follows:

"Final action shall be taken on the committee of the whole report."

Joint Rule 5-4--Amend first sentence to read:

"A member who voted on the prevailing side of a question may, on the day the vote was taken or on the next legislative day the house in which the action was taken is in session, move to reconsider the question."

Joint Rule 2-4--Amend to read as follows:

"Lobbying on the floor of the Senate and House of Representatives is prohibited during a session within one-half one hour prior to the commencement of a session and within one-half hour after recess or adjournment."

Joint Rule 2-3--Strike rule in its entirety and subsequent rules in Chapter 2 to be renumbered accordingly.

New House Rule Adopted:

House Rule 1-7--"Only the following persons may be admitted to the floor of the house of representatives during sessions: executive officers, legislators, legislative employees, reporters, guests of members of the house, and former legislators who are not registered lobbyists."



